

City Council Regular Meeting Transcript – 03/20/2014

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[04:04:53]

>> Mayor Leffingwell: Good morning. I'm austin mayor lee leffingwell. We will begin today with the invocation from the reverend edward garcia, the pastor of the emanual united methodist church. Please rise.

>> Good morning! January is a great time to start over. We're in the middle of lent, another time to start over. We're getting ready to go to single member districts, starting over. And so I couldn't help but think of new. So let's pray for new. You remind us to hate evil, love good and establish justice in the gate. It may be that the lord, the god of hosts, will be gracious to us. All mighty god, bless all that have gathered here as we prepare to listen, give us a new way to hear. We pray that the voice of the powerful will not silence the voice of the oppressed. We pray that the sounds of the wealthy will not distract us from the sounds of those in need. As we prepare to see give us new eyes. Let us see beyond the glow of abundance and see the shadow it casts on others. Let us see beyond the impressive veneer and see the tattered and the torn. As we prepare to speak, give us new words that we may speak healing to those addicted to greed or other types of drugs. May we speak hope to neighbors divided by both prosperity and poverty. And lastly, grant us a new outpouring of your love that from that love we may see, we may hear, we may speak for with that great love you have heard us, seen us and spoken to us. In your holy and sacred name we pray, amen. So be it.

[04:07:26]

>> Mayor Leffingwell: Amen. Thank you, pastor. Please be seated. A quorum is present to I'll call this meeting of the austin city council to order on thursday, march 20th, 2014. We're meeting in the council chambers, austin city hall, 301 west second street, austin, texas. The time is 10:09 a.M. We'll begin with the changes and corrections to today's agenda. With item number 2 add the phrase recommended by the electric utility commission on a vote of 5-0-2 with commissioners butler and ray abstaining. Item number 53 as a second co-sponsor mayor leffingwell. Item number 54 add as a second co-sponsor mayor pro tem sheryl cole. Item number 57, as as a second co-sponsor mayor pro tem sheryl cole. Item

62, mayor pro tem cole, councilmember spelman have requested a 5:30 time certain for this item. And item 73 was previously set by previous council action for a 7:00 p.M. Time certain. Our agenda today, at 10:30 no briefing schedule. At 12 noon we'll take up citizens communication. At two p.M. Our zoning matters. Four p.M. Our public hearings. At 5:30 live music and proclamations. The musician for today is kp and the boom-boom. [Laughter] kp and the boom-boom. [Laughter] the consent agenda for today is items 1 through 61. And the clerk will show me abstaining on item number 1. There are several items pulled off the consent agenda and I'll go through those in a moment. I'm going to read item number 46 which will remain on consent, but they're appointments to our boards and commissions. To the austin generation resource planning taskforce, mary dryly is mayor pro tem's nominee. To the commission on seniors, [indiscernible] is mayor pro tem cole's nominee. Michelle ross enblatt is councilmember's nominee. And to the city of austin retirement system, russ sartarn is the council's nominee. There are no waivers scheduled for today. The following items are pulled off the consent

[04:10:35]

agenda: Item number 2 will be heard of a executive session. Item number 5 has been pulled by councilmember tovo. Tim number #-z is pulled

-- item number 6 is pulled for a presentation and also a number of speakers and items 29, 30 and 31 are pulled by councilmember morrison. Are there any other items to be pulled by councilmembers? We have two speakers on the consent agenda. First is gus pena. Gus pena, is gus pena in the chamber? He is the only speaker. The other speaker signed up on an item that has been pulled. I'll entertain a motion on the consent agenda. Councilmember spelman so moves. Second by mayor pro tem cole. Councilmember riley.

>> Riley: I'd like to be shown as voting no on items 19 and 25 because they involve city support for affordable housing projects that lack access to transit.

>> Mayor Leffingwell: The vote will show councilmember riley voting no on items 19 and 25. All in favor of the consent agenda say aye. Opposed say no. It passes on a vote of seven to zero. So we will now go to item number 5 pulled by councilmember tovo. There are no speakers signed up. Councilmember tovo.

>> Tovo: Thanks very much. I have some questions for staff and most of my questions follow along the lines of the presentation done at the environmental board. So I'm not sure who is best to answer those questions. So this is a service extension request for a property that's within the drinking water protection zone, and I want to talk a little bit about some of the questions that were presented to the environmental board. So to the question of whether this extension would allow for the development -- a development that's more intense than it would otherwise, staff have answered yes. And I wondered if you could talk a little bit about that.

[04:13:15]

>> Yes. Actually, one second and I'll pull this up. So when we review service extension requests to present to the environmental board we look at five things, code compliance, development impacts, environmental impacts, long-term planning and nearby similar service extension requests. So I think

what you were referencing was the development impact section, and we did find that this service extension request would result in increased development intensity to this site. One of the other things we look at is the long-term planning or are other city concerns affected by the service provision? And in this case while it would facilitate development in an environmentally sensitive area outside the jurisdiction there is a note on a preliminary plan that designates the city of austin as a service provider pursuant to ldc 2459. So we thought we were advised by legal staff that that trumped our other concerns.

>> Tovo: I'd like to talk about that legal aspect in a minute, but first I wanted to talk about the concerns. So thank you. So this would result in more intense development. It is located in an environmentally sensitive area. Your notes say that it's a drinking water protection zone, the edward's aquifer recharge zone adjacent to the jollyville command drain basins and drains to creeks and I think it was noted that while an early study showed no cef's, the staff had observed that there is one on the site. So I wonder if one of you could talk about the site in terms of its environmental sensitivity.

>> Sure. The site is located in the recharge zone, located in the drinking water protection zone. It is located adjacent to and upgradeient of two springs on the bccp tract adjacent to the site. And there is a remock feature on a portion of the tract that would require protection under the current code.

[04:15:29]

>> So this is a site where we would want to see more intense development than would otherwise be possible if we did not extend the service?

>> Generally we do not recommend the extension of service to a site like this. Again, our recommendation was based on the legal issues on this site.

>> Tovo: Okay. So I guess

-- I guess I would like to hear a little bit more about the legal elements here.

>> Mark jennings, austin water utility. I cannot address the legal aspects related to this, but I would like to provide you just a little bit more information, please, related to the intensity of the development, your question. This particular ser back in 2003 was 182 acres that was proposed with 750 lu e's that was authorize and approved by city council. Then in 2005 the acreage reduced to 49 acres with 386 lue's. That also was approved by city council. And then now the acreage remains the same, 49 lue's, but the amount of intense development has been reduced to 154. And the reason why for that is they've moved essentially from multi-family, retail and restaurant to single-family condos. I just wanted to provide you that additional information related to that topic.

>> Tovo: Thank you. So it sounds recycle the project has gotten less intense than it was originally contemplated, but still more intense than the staff would typically like to see on an environmentally sensitive tract.

>> Yes, ma'am.

>> Tovo: Thank you. So I do have a question about the legal elements of this. And whether

-- thanks, I appreciate it. If it's something we need to talk about in executive session, I'm certainly willing to the way.

>> Brent [indiscernible], assistant city attorney.

[04:17:30]

>> Tovo: So I guess the up shot is the staff have indicated that this is not the type of extension request they would typically recommend, but for the

-- what sounds like a legal issue that's related to this. And I wondered if you could describe that.

>> Yes. The city code, the subdivision code in 25-4 related to preliminary plans includes a provision that many of us had never encountered before, but it says that a preliminary plan can be used to authorize and commit

-- to indicate and did he lien nate the service provider for the preliminary plan. And I don't have the precise language in front of me, but that's the crux of it is that you can designate who the service provider is going to be. And that that designation will represent a commitment to provide services to the preliminary plan. So given that the changes, as I believe you just pointed out, councilmember tovo, the changes in the development scheme that have been proposed would create less demand for services. Staff ultimately I believe decided to treat this somewhat similar to how they would a request in our ccn in the sense that even though it may not meet the requirements that they would look to in recommending it, they view it as something that because of our preliminary plan and the designation of the service provider on the preliminary plan and because of the city code that authorizes that and commits the city to provide services, they decided that they basically had to

-- the city has a commitment to provide services.

>> Tovo: So the language says that applicant can designate a service provider, but you feel that the language also clearly

--

>> I have the language down, I'll let the language speak for itself. Approval of a preliminary plan establishes a mutual commitment on behalf of the city and the applicant to the availability of utilities to serve the subdivided land to the extent shown on the preliminary plan.

[04:19:40]

>> Tovo: So you said that the staff were treating it as if it were a ccn which I believe obligates the city to provide water service. It was less clear to me and to my staff who were talking with different staff members, that it requires us to provide wastewater service.

>> I think that they're looking

-- I'll turn it over to staff and just make one comment. I think the connection to the ccn was simply it's somewhat analogous in the sense that often times ccns will come to council that couldn't be something we would recommend if we didn't have a legal obligation to. So it's in that sense that the two are similar, but as far as the code section it says that the availability of utilities, and it doesn't distinguish wastewater. It speaks broadly of utilities.

>> Tovo: I see. And so have we had any cases where something under

-- I know you said that there wasn't a lot of familiarity with this provision in the code. Do you know of any cases where an extension request came before the council and there had been a preliminary plat filed as there is in this? Where the council has turned down the service extension request?

>> I'm not aware of anything. Bart jennings, austin water.

>> Tovo: Do you have a sense of what the consequences would be?
>> Not at this point. I can ask additional staff and get back to you on that if you would like.
>> Tovo: Thanks. Is there any other information anyone has? On that line?
>> Not on the history. I'm not aware of any that have been in a similar situation, but I do want to note that the preliminary plan does note both water and wastewater service in the city being the provider for both.
>> Tovo: Okay. Thank you.
>> Riley: Mayor?
>> Mayor Leffingwell: Councilmember riley.
>> Riley: I think this is a question for Brent. Brent, the code section you're referring to is 25-4-59, is that right?

[04:21:46]

>> Yes, that's correct.
>> Riley: And that is all
-- the there are hold for that is
-- flesh hold for that is it establishes a commitment on the staff and the applicant to the availability of utilities. That's the problem, right?
>> Correct.
>> Riley: That's what's put us in this position. So the question is why did we approve that preliminary plan if this was not a place where we would want
-- where we would have wanted to commit to the availability of utilities?
>> I cannot speak to that.
>> Riley: Is there any staff to speak to why we would have approved that preliminary plan that put us in that position?
>> I think that was a council approval back in '03.
>> Riley: Back in '03?
>> Yes.
>> Riley: Okay. And help me with what kind of scrutiny those typically rece.
>> I wasn't here in '03. I can't speak to that firsthand. Bart, would you be familiar with...
>> Bart jennings, austin water. In terms of this scrutiny we take a look
-- austin water takes a look at the level of development and what infrastructure needs to be improved or enhanced by that to be able to serve the tract. In terms of the actual preliminary plan being reviewed, that's done by planning development and review. And as far as I know, we don't have any staff here to speak to that
-- at that specific time. What was actually reviewed and exactly. But generally planning, development and review looks at the current policies and ordinances related to city council and twice city council has authorized the extension of water and wastewater service to this tract.
>> Riley: Do we know whether staff recommended approval of the preliminary plan?
>> I would assume so, but I don't have that information.
>> Riley: That's the question, are cite for approval

-- recommending approval of the preliminary plan. The question is shouldn't those take into account the same criteria that we're talking about today that would lead us to think that service
-- that the extension of service is not such a good thing?

[04:24:01]

>> If mr. Greg guernsey is available, he may be able to address that. I'm sorry, I don't see him, sir.

>> Riley: Is it possible that this is simply a matter of coordination between the departments? That there are different sets of criteria being applied to evaluate whether approval should be recommended?

>>

>> each department has a different perspective on a particular tract in terms of the development. There is coordination just in terms of watershed protection and austin water. We coordinate in terms of that, but we do

-- are approaching the development in different ways and different aspects, but we bring those to city council for you to review.

>> Riley: So if a preliminary plan were up for consideration today, a brand new preliminary plan, would there be some coordination between pdr and watershed and the water utility in evaluating whether to recommend approval over the preliminary plan?

>> Councilmember riley, I just want to clarify a couple of points. A preliminary plan as approved does not generally come to council. They're approved by the commission. And I think there was just a misstatement on that point earlier. So the preliminary plans are approved by the commission as a sovereign body. And the second point is a preliminary plan there's no discretion to deny it if it meets code requirements. However, the decision on whether to put a note on the preliminary plan committing the city to provide services is another matter. And so I think that the code provision that we read a minute ago says that services shall be provided to the extent shown on the preliminary plan. It doesn't say that all preliminary plans have to include that kind of a note. So I think there's some question among staff as to why that particular note was put on this prelim. But fundamentally a prelim is a commission approval, not a council approval and it has to be approved if it meets the applicable code requirements.

[04:26:12]

>> Riley: Then the question is why did we bind ourselves to extending utilities through a code provision that locks us in to doing so when the preliminary plan has been approved?

>> I'll comment perhaps on the preliminary plan. This council approved on two separate occasions service extension requests for water and wastewater to the property. One in '03 and one in '05. And this is a further revision of that cer. So I think there's probably some linkage to the council approving those service extension requests in '03 and '05 because council reviews all service extension requests in the drinking water protection zone irregardless of the size of development. So that probably all circled back together with the council's authorization of service extension request from '03 and '05 that that multiplely being connected to some kind of plan approval process also.

>> Riley: Greg, you can see what we're trying to get at here. It appears that we are locked into a particular outcome by our own city code even though staff feels like that's an undesirable outcome. And

that means we need to look at the code provision and look at considering some revision that would take care of this in the future or whether there would be some administrative fix for this instead. Do you have any recommendation on that?

>> Not off the dais here.

>> Do we have any staff on how to avoid this situation in the future or whether it could be avoided in the future?

>> Not really how to avoid it in the future. We've got previously approved ser's. We have an existing prelim that documented those ser's. And so it's a fairly unique situation. I wouldn't anticipate this would come up very often in the future.

>>

[04:28:18]

>> Riley: And you don't see any clear way to avoid that. If we were to amend that code provision to allow some flexibility, would that help ensure

--

>> that's a question for the law department. I don't know if there's anything in state law there. We would have to explore it.

>> We might need further discussions with law. But obviously that would not affect the outcome of this particular case, but raise the question of whether we should look at this going forward.

>> Council, I think the obvious answer is don't approve the original ser. I think had that not occurred in '03, if it would have been denied, they wouldn't have gone forward with a preliminary plan based on the council approving that service extension request. I think that's probably the

-- I'll call it the root cause.

>> Riley: Right, right. But I haven't heard a clear explanation as to why we did approve that ser. And there's some suggestion that we might have had some obligation under state law. At least approve the preliminary plan. The question is at what point did we have some discretion there that could have been exercised differently.

>> We'd have to review the record and we could do that. I would think the ser approval was probably before they would have submitted the details on their plans. Obviously they don't know if the utility is going to provide service. They wouldn't go forward with those plans. But I don't know what level of discussion was involved in '03. We'd have to look at that.

>> And the ser, you said that would have required council approval?

>> Yes, absolutely. All ser's in the drinking water protection zone come to the council. And this would have been in that vein.

>> Riley: Right. It's just peculiar because I think

-- it seems likely that council was acting on the recommendation of staff and so that raises the question about why staff

-- if staff did recommend approval then, why that would be given that staff feel that the outcome that we're faced with now is undesirable. So it seems like we've got some further work to do to take a look at the code provision and see whether there is any way to avoid similar situations in the future. But we can have that discussion offline after the meeting.

[04:30:35]

[One moment, please, for change in captioners]

>> it might be something you want to look at because there may be some other preliminaries out there. And there may be some coming that would commit that. But on this one, it's kind of locked in. I will be happy to answer any questions you have.

>> Mayor leffingwell: Council member tovo was first and then council member spelman.

>> I have one more question for staff, I asked what would the consequences be of not approving this today and there wasn't a clear answer. But let me ask, since this is a new ser request due to a change in development use, does that reopen the process na allows us more discretion than has been suggested here today?

>> No, we don't believe so. But we have bright this items to council because of a change in land use to a more intense development to a less intense development, so we wanted to bring that to you for your awareness.

[04:32:46]

>> So does it require our approval then or not? I mean, is this an awareness? If this is for our awareness?

>> We're asking for your approval. There is legal obligation so in some way that takes away from your full authority to do that, if you want to deny it.

>> Council member spelman, questions for mr. Subtle. This is for 49 acres, right? What happened to the other 133 acres?

>> It was dedicated as preserve land under the ball coneys plan.

>> We are talking about fewer than originally put in the plan. We are talking about most of the site dedicated as preserved land. It would have been difficult to build on. I know there are slopes going down to the creek.

>> It's better suited for preserve.

>> I agree completely, but what I'm getting at is although there was a preliminary plat submitted on 182 acres, we are not going to see the other 133 acres because it is preserved land, this is the only one we are going to see on this plat?

>> That's correct.

>> It turns out to be across the street from a storage facility and down the street from a major apartment building.

>> That's correct.

>> On fm620.

>> And adjacent to our line which would make it available for annexation.

>> If your client did not have access to a sewer, presumably they would be able to build somewhat less intensive using a septic system, is that accurate?

>> It would be an on site septic system?

>> How many lue's could they get on that.

>> I don't know, it would probably be less than the ser. But you would have the on site to deal with and

probably a well.

[04:34:53]

>> We could probably grant water and not

-- theoretically, in the absence of the plat note, we could grant water and not sewer, but if you had a well, you are going to have well issues, if you have a septic system, you are drilling a septic system into the limestone

--

>> upstream from the areas we are trying to protect.

>> The case could be made if you chose your next best alternative in the absence of an sewer, that could be worse than putting you on a sewer.

>> Two options are to go back or an on site system which arguments are on both sides. Some would argue it is better not to have an on site system upstream from a preserve.

>> Thank you. I have a question from someone from our environmental staff if I could. I understand we wouldn't ordinarily want a site to be developed like this, but given they have a preliminary plat in the absence of that plat note, I'm thinking it might be prudent to extend service anyway just to ensure they don't go on to a septic system.

>> Not to disagree with mr. Suttle

--

>> go ahead.

>> But during the review of their application, we were informed by the applicant that they could not do on site septic or on site water.

>> That's plat note also.

>> Now it's not part of the plat note, no, this is just what we were informed during our review of the application. If they took a hard look at it and didn't think they had an alternative, you can always get to water. You can always engineer some sort of septic system. It may not be their preferred alternative, I don't know if it's economically feasible. It's always feasible if you have enough money, you can get the water and provide on site sewer, it just limits your ability of the density you can do.

[04:37:01]

>> It sounds like we could limit density and if you can't deal with wastewater through the means of a septic system and we did not extend service, there might be a legal issue associated with the taking. I won't ask you for your legal opinion, it just seems to me that's something somebody might stick their nose in there.

>> Yeah, I won't go there.

>> I won't either. Appreciate it.

>> Mayor leffingwell: Any questions or motions? Council member spelman moves approval. I'll second. Further discussion? All in favor say aye. >>Aye. >>Opposed say no. Passes on a vote of 7-0. That brings us to item number six. We have one speaker.

>> Good morning, mayor, deputy cfo for the city. There is an ordinance to set the level of property tax

for over 65 and disabled persons. As part of the motion made today, council would need to select an amount for the exemption. They could take no action and it would remain at the current level. This has been discussed prior and staff has provided you with a number of data and analysis. This brief presentation is intended to distill that information down to a couple of slides to further facilitate your discussion today. So as I mentioned, the current exception for individuals 65 or older is \$51,000. That was last updated in 1986. We have properties that receive the over 65 exception. You can only get one or the other. So if you're over 65 and disabled you only get one exemption. These are roughly 34,000 parcels are combined taxable value of \$7 billion. That's 8% of the city's tax roll. So it's a significant chunk and that's why increasing the exemption has consequences. Seniors do own home at a higher rate than the rest of our population. 75% of seniors live in an owner occupied household versus 45% for the city as a whole. And demographics project seniors are going to grow. They are at 7.7%. That are projected to reach 16% by 2040. Travis county and the health care district increased their exemption by \$5,000. Acc had been at \$75,000 for quite a long time and they significantly ramped theirs up between 2007 and 2010. They did \$10,000 increases. And then school district offers an exemption of \$35,000 for over 65. And \$25,000 for disabled. In addition to that exemption, their required by state law to do a tax free. The year you fall in

-- qualify short of making renovations to your home. Council might want to consider. Our current exemption is \$51,000. The left hand shows you different amounts you might want to consider. The savings to a qualified member, somebody over 65 or disabled is the third column. And then there was some discussion about instead of losing the revenue, if we want to increase our tax rate to recoup the revenue lost, what would be the impact on the someone who doesn't qualify for the exemption and owns a home. That's what the final column is. If there was an interest in increasing the amount to the \$70,000 that the county provides, that would have a revenue loss of \$3.2 million. It would save your over 65 individual or disabled person \$95.51. And then if we wanted to get that back, it could have a projected impact of \$6.79. That concludes my presentation and would be happy to answer any questions you may have.

[04:41:53]

>> Any questions? We have one speaker, Gus Pena.

>> First and foremost, thank you very much, and I apologize for missing the meeting. I was helping the young female veteran who lost her home to repossession. I spoke to Senator Cornyn to help us out. Item number six, anything to ease the burden on the seniors. They have paid enough. I have spoken to many groups that ask my opinion on it, whether they solicit it or not, it's a wise and prudent progression. Thank you very much for your comments on the surplus money. Y'all have a good day and thank you for that.

>> Mayor Leffingwell: Thank you. So he commented there would have to be an amount for any approval. The only option would be no motion and leave it as it?

>> That's correct, sir.

>>

>> Mayor Leffingwell: Council member Morrison. I appreciate our conversation that we had at work session because the question came up. Staff has done a great job in helping us understand the impact

money-wise, but the question came up about whether or not it would make sense to, in lieu of an increase in a senior exemption, take the money that that increase would cost and target it to low income, high needs, vulnerable seniors, since a tax exemption, some of it will be spread across people where the change in their tax bill might not be that meaningful. And that really sort of got me thinking about, well, what is the answer to that question? Why do we do tax exemptions in the first place? I have sort of gone through, I think it's a very good question, what if it isn't meaningful, which raises for me the question of, well is \$45 or \$100 difference in your tax bill to a senior isn't going to be meaningful, I would ask the question of what would be meaningful? What would be a number where we think we would want to do that impact. On the other hand, my question, my logic in the thinking sort of got me to the question of, well if \$100 isn't meaningful, and that's what would be a \$70,000 difference and nothing the meaningful, number one, why do we try to keep the tax rate down? Because we're always trying to do that. And the next question is if you follow that line of logic, then that is why do we do tax exemptions in the first place? And that's the question it leads me to. Having some good input from staff and discussing it with some folks, I think there are two main reasons that I think we need to think about tax exemptions. Number one, although they are not permanent, because we can change them, they are more permanent than a program. It would be easier for a council to cut funding for a program, just politically than it would be to remove tax exemptions. The permanence versus temporary. And I do think that in my way of thinking, and I am going to make a motion in a minute to raise it to \$70,000. And my way of thinking, while \$100 might not be meaningful to a lot of people and while we might want to help the needy seniors a lot more, the resolution that we sent to staff asked them to find a way to build into the budgeting system for us to consider every year, possibly raising it. So we do have the option of, even if we think \$100 isn't enough of a meaningful impact, trying to increase it a little at a time. Really the more important question or answer to me about why it is meaningful is because tax breaks, while they might be small pieces of help for people, do impact a lot of people. And we know that they impact -- they would impact 75% of the seniors in the city because 75% are homeowners. And I think -- for me it's a little like public health. We try and make small changes in the health of people so that it raises the level of health overall in the community. And it might not be a big change for one person, but we look at it as progress. And I look at this as progress in the same way. To take a look at a couple of numbers, number one, and these are all approximate. And it's about 60,000 seniors who live in the city of austin. The median income is \$47,000 in the city of austin. Interestingly, when I understand, and I haven't documented this myself, nationally, the average income from seniors is higher than the average in an area. But in travis county I understand and also in the city, the average income from seniors is actually lower than the average in the area. It's 47 versus 52, I think. I did look at the budget analyzer that says

-- tells us what it costs to get by in the city of austin

-- well, in our region. So it's not looking at a poverty level, it's looking at what it takes to get by. And the income level for two adults

-- of course it depends on your health care costs, they break it down. The levels there are 31,000 to 41,000. Just to get by. So we're looking at half the seniors in the city having an income lower than \$47,000. So that's 32,000 people, approximately in this city that are seniors that have an income below \$47,000, which tells me that there are thousands of people

-- seniors in this city, who are just getting by, which is the 41 to 31. We don't know the distribution

exactly. So for me, in terms of searching for ways to address affordability, especially for a demographic that is

-- has many low income people, especially considering that while we look at the distribution of seniors and the different income levels in different areas, it's important to remember that thankfully many seniors are still living in their homes that they bought a long time ago, so their income level isn't necessarily going to match the income level it takes to support certainly buying a home in that area, much less paying their taxes as they go up. So for all those reasons in terms of looking for another tool to help affordability for our seniors and disabled people, I think it makes sense for us to take advantage of this tool and this option that we have. And so I would

-- I am making a motion to raise it to

-- raise the senior exemption to \$70,000 this year.

[04:50:18]

>> I will second that.

>> Mayor leffingwell: Motion to set the homestead exemption at \$70,000 by council member morrison, seconded by mayor pro tem. I have a question. Your last column talks about costs to the median value homeowner. In actuality there would be other costs too, wouldn't there not? I mean, this would involve an overall tax increase, which would also affect businesses, large and small. It would affect people who live in commercial properties, such as apartment owners which constitute the majority of our residents; is that correct?

>> That is correct. In terms of the tax rate implications, it's going to be about a 0.3, .35 of a penny on the tax rate. Currently our tax rate is 50.27. That would affect everybody and this slide here boils it down to the owner of a median-valued home.

>> Mayor leffingwell: In light of that, it's an overall property tax increase.

>> Apartment complexes, everybody.

>> People who are not seniors. In light of the fact that we're talking about \$95 a year, which is what, about \$8 a month, something like that?

>> Yes, sir.

>> Mayor leffingwell: I just don't think the impact on an over 65 or person who is disabled is going to be significant enough to warrant an overall tax increase that's basically going to be baked in the cake right now, so I'm not going to support the motion. Mayor pro tem.

>> I appreciate the discussion we had yesterday and I also appreciate that you brought this up a number of times and given us an opportunity to think about it. I think the primary issue that we hear over and over again is affordability. And a lot of times people don't realize that we don't have control over a lot of things that make up affordability. We don't control the price of a home. We don't control the price of a house. But what we do control is our property taxes. And we can do that either through a property tax increase or decrease, or we can do that through property tax exemptions. This should be our number one focus when we're talking about trying to help the city. I agree with all the comments that we have discussed about helping the low income members of the city. And I think we do a lot of programs with that, especially in affordable housing and in health and human service programs, but when we come to really listening to the entire city, which we must do, there is a cry for property tax relief. And whether

that's in the form of an exemption for our seniors and disabled, we have to take that seriously. And I don't agree with the premise that \$100 is meaningless. I have a mother who is elderly and I know that can make up almost a month's worth of groceries. And I also think that it is good for us to be more consistent and in line with the other taxing jurisdictions and bring our exemption up to what Travis County. And I was really surprised that we had not raised the exemption since 1986. I think with all that said, it is in line for us to increase the exemption.

[04:54:03]

>> Mayor Jeffingwell: Council member Martinez?

>> Thank you, Mayor. I want to thank the Mayor and seconder of the motion. There is appetite for conversation whether this is the most appropriate tool to have an impact. We still have a large budget process that we're going to embark upon and I'm sure we will have those discussions, but in the end, I do have to agree with the motion that's made, that this is one tool that we can use. It is not going to solve everybody's financial woes as it relates to their tax burden. But it is meaningful. And it is something that this Council has full authority to undertake. And, so, you know, in 1986 we took a step and in 2014 we're going to take another step and hopefully future Councils will keep this at the forefront of their discussions and not as an afterthought 20 plus years down the road. In light of that and in light of the ever increasing property values and taxes that come with that, I will be supporting the motion as well.

>> Council member Spelman.

>> Thank you, Mayor. I understand what the motion is supposed to accomplish. The idea that people are making money, if you are 45 to 60 years old, your household makes about \$64,000, but when you get to be 65 and older, you are working off of pensions and 401 ks and your income drops. That is just about the same as the median household income for everybody else. And I understand what Council member Morrison was getting at when she said it is a little lower than it is for everybody else and there are a lot of older folks who don't have very much money. I would like to help older folks who don't have much money, and this will help older folks who don't have very much money, but to help those older folks who don't have much money, we are going to be taking money from younger folks who don't have much money and younger folks who do have money. If we were only taking the money from us, those making over \$47,000 a year. That would be fine. That would be a trade which would be equitable. We are taking out of my pocket and giving it to someone who needs it, I'm fine with that. The problem is we are taking the money out of people who are younger and not built up the resume and experience to make very much money yet. They're going to have to pay for that. We are taking money out of older folks who are not living in houses, who are living in rental apartments, they are going to have to pay for it to. By putting \$100 in the pocket of every older person who owns a home or buying a home, we are asking to take \$7 out of the pocket of every younger person who owns or is buying a home or eventually out of everyone who rents a home or apartment. If you look at all the people who rent apartments, all people and compare it to the people over 65 and own houses, the people over 65 and own houses are better off than the people we are taking away from. We are taking money away and giving it to people who have a little more. If what we are trying to establish is income equitable, the best way would be more targeted to identify the people who own 65 and own houses. One hundred dollars is a \$100. I can

think of a lot more efficient ways of putting money into the hands of people who really need it than by giving a tax break to a large group of people, some who need it, some who don't. I think we can do better than this. I'm going to vote against the motion.

[04:58:21]

>> Mayor leffingwell: I have to add we are talking about a median priced home here. Whether you are under 65 or over 65, we are talking about a median priced home. Someone who lives in a home that cost less is not going to get this break whereas somebody who lives in a million dollar home is going to get more savings.

>> That's not right. In terms of the column showing the savings, everybody gets the same increase in the exemption, so everybody who qualifies would get a \$19,000 increase in their exemption. 51 would go up to 70. It doesn't matter if you live in a million dollar home or \$100,000 home, you are going to save \$95 on your tax bill. The other is based on the median.

>> Mayor leffingwell: I understand. Council member tovo.

>> I want to thank my colleagues who brought this forward and all of you for this thoughtful discussion from every perspective on this issue, because it is a challenging one. And it is not without pause, but I support this motion today because I know it will increase the tax burden for those who are under 65. And I would ask the staff to work hard to see if we can find some of that lost revenue within the budget. I know that's a challenge. But as much as possible, I would encourage staff to find some of those savings within the budget so the impact on other taxpayers can be minimized. It is clear from all of the discussion we have had that we need to really focus on affordability. Affordability for individuals across the the life spectrum. As council member morrison notes, there are many low income individuals over 65 and this will represent a positive outcome for them. And I want to say, too, there are other real concrete benefits from helping seniors stay in their homes. And those benefits are less quantifiable, but when we help individuals who have been in our community stay in their homes and communities, there are social and cultural benefits. I think we're doing really those
-- we're really having a positive impact on our community. I think it would be a shame if our
-- if the neighborhoods throughout our city become places that are not diverse in terms of age and household time. And so the more we can help long time residents stay in their homes and stay in their communities throughout our city, I think that's a real positive, so thanks again. And I also wanted to thank the community members who have advocated for this and provided information. That's been very helpful in our deliberations.

[05:01:24]

>> Mayor leffingwell: Council member riley.

>> I just want to express my agreement with all the comments that have come before. This is a complicated subject and there are two sides to it. And I appreciate the

-- all of these being aired. I do think that the balance weighs in favor of the motion. And I do want to highlight one thing that ed just noted at the

-- just now. When we refer to the last column about the cost of the median value homeowner, that

refers to the amount that other property owners will have to pay in addition in making up the fore gone revenue. There is an equity issue that works in favor of increasing this exemption. That will tend to weigh more heavily on the higher-value homeowners. They will pay a greater share than the lower value homeowners. So that does tilt slightly in favor of the equities. And while it is a complicated issue, I am going to support the motion.

>> Mayor leffingwell: Council member morrison.

>> I would like to ask staff, one of the things I think we had in the resolution, is there a way to make sure that this comes in front of council in a timely manner each year so that they would always have -- they would be aware that they would have the option and it has to be done in the march time-frame as opposed to in the past it's always been an ordinance attached to our budget in september and we have no authority to change it in september. Is there system that we will have in place and will it require council action to make that happen?

>> We did describe going way back to when we first discussed this at a work session. We did describe an approach to accomplishing that. But it's not part of this ordinance. This ordinance the law department advised us this would just set the amount. If you would to memorialize that I think it would require a separate resolution that says in addition to this, we want council to come back every february with a recommended increase based upon the methodology we talked about. What has the growth been and the tax bill. If the tax has gone up by 5%, maybe we should increase the exemption by 5%. But that method is not outlined.

[05:04:13]

>> I will look forward to working on a resolution for that in the near future.

>> Mayor leffingwell: All in favor say aye. >>Aye. >>Opposed say no.

>> Passes on a vote of 5-2 with myself and council member spelman voting no. That brings us to it's 29, 30, 31, which we are hearing together. We do have seven speakers. First speaker is marcia macha. Second speaker is mary arnold. And donating time is lenore denot. You are on here twice, marcia. So mary, you have up to nine minutes.

>> Thank you, mayor leffingwell and members of the city council. This item grabbed our attention with the article in the newspaper on march the 5th which said purchasing grey rock is a deal to prepare for the day when the city's beloved golf course could be developed into mixed offices, apartments, and shops. We want to remind you that council passed a resolution some years ago expressing their desire that the golf course should become a permanent public facility giving the city of austin the option to purchase, exchange land with u.T., Or extend the current lease. And, so, if you are interested in pursuing the grey rock golf course, there's several things we would request that you would affirm and give instructions to staff. And first and foremost, please disconnect consideration of grey rock golf course from your commitment to keep trying to extend our lease or purchase or some other way, make sure that it remains an important public green space and an affordable place to play golf, hopefully. And there are so many dealings now between the university and the city of austin. I really hope you will keep this in mind and try to encourage something to happen. If you do proceed with the grey rock purchase, I'll put on my golf advisory board hat and say that we're worried that the funding of this project, the grey rock purchase, might become something that would affect money that goes to all of our existing

city golf courses. So we'd like for you to make it very clear to city staff and to the public that if there are some monies profit from grey rock, then that would possibly be appropriate to give to part of the debt service. But that the golf enterprise fund certainly for at least five to ten years, should not be involved at all with debt service on grey rock. Because the existing city golf courses do have needs. They receive damage from the floods. The fema money may cover 75% of it, but that's difficult. So, putting any golf enterprise money into debt service for the grey rock purchase is inappropriate at this time. And I hope you will make that clear. Also, there's a comment by the assistant city manager that proceeding with the grey rock purchase is because it might be developed if the city didn't purchase it. Well, guess what? That's the same thing as with nooney, it might be developed if the city doesn't do something. So, if the city proceeds with grey rock, and part of the rationale is protection against future development, then I'm glad for the precedent because that's a reason for the city to protect an existing important green resource. And if the city does proceed, will it be a quality affordable golf course for austin municipal golfers. That is not clear at the moment as to what the green fees would be or the availability to existing community golfers would be. This doesn't seem to have been to the parks board or environmental board. So as the environmental studies proceed based on your approval today, I would request that any memorandum of understanding between parks protection should be reviewed and commented on prior to being finalized. Let's see what else. The deficiency in parkland. The answer to council member morrison's question was definitely not adequately explained. Why is this a deficient parkland area? By what criteria? What geographic area are they talking about? How does it compare to other geographic areas in the city? How many others are deficient? And you know, how is this going -- how many households will no longer be deficient because of the purchase of this land? I'll take any questions that you have. But we appreciate your commitment to consider these and we're pleased to bring the effort to the fore once again. Thank you very much.

[05:11:42]

>> Mayor leffingwell: Thank you. Linda ratabush.

>> I'm linda and thank you for hearing us today. I'm going to reiterate what mary said. We're concerned that the \$9.6 million possibly spent for grey rock will take away from the upkeep and the needs from the other public golf courses we have here in austin. I will donate the rest of my time to mary. Thank you.

>> Mayor leffingwell: Thank you. Peter barber.

>> I guess my question to the council is, golf courses have been sold in central texas from 2.9 to \$4.4 million. And this is 9.6. I understand there is a million of that that goes into studies. So looking at \$8 million. I understand the 292 acres is not just a golf course and I'm not sure how much of that is the golf course versus the surrounding area. So I just want council to instruct people to really look into the cost of this purchase. And in addition, if the additional land is going to be used conservation, I like the fact that that sets a precedent for what we are trying to do for lines municipal, which is keep green space and an affordable golf course. But we are looking at tennis courts and hiking trails and turn it into a park with a golf course. That's all I got to say. We're here, but I love golf. I think buying grey rock would be a good idea, as long as you can keep affordable green fees for the public.

[05:14:12]

>> Thank you.

>> Mayor leffingwell: So, it looks like we're honored to have arnold palmer here in the chambers today. Perhaps not. Perhaps somebody just signed up. Is there anybody here with the name arnold palmer?

[Laughter]

>> mayor leffingwell: All right. Edward McHorse. Excuse me, not speaking. Those are all the speakers that we have. So we can

-- one of these is an ordinance. Number 30 is an ordinance. Go ahead council member morrison.

>> I pulled this because I do have some questions and concerns. And I guess the first question, it's about finances and cost impacts for staff. As I understand it, this approval would be for \$9 million, a little over what we think it would be my cost. And that would be certificates of obligation. And I had asked some questions about how that was going to

-- how it was all going to be paid for. And the answer was that the revenue generated by operations at grey rock would be used to cover a portion of the debt issuance. Can you tell me what we would use to cover the other portion?

>> I think as you will hear, let's talk about this opportunity a little more in detail. This is really a unique opportunity to acquire a piece of land that actually comes with a revenue stream. A developed piece of land that has a revenue stream. Typically when we are buying land, for example when we bought the betty duncan campus, we had to acquire that fully with tax revenue. This is an opportunity because it has an existing golf course to leverage some of that revenue. To pay its share of the debt service that we anticipate by issuing this \$9.6 million in debt. The other share that would come from our debt service tax rate and with the projections we're looking at, we presume that can go under the existing tax rate.

[05:16:48]

>> What does that amount cover? We need to keep in mind that if, in fact, we didn't have this added debt service, we could lower the tax rate by that much. So it's not like free money.

>> We are anticipating about \$400,000 in debt service. And we believe the golf course will cover 50% of that. And the other half would come supporting from our tax rate. Again, historically speaking, when we have looked at acquiring property all around the city when we're out there acquiring land for the apd warehouse, this is the opportunity when we have a certificate of obligations to utilize this tool. And I think it's also to make clear that these funds are not coming out of existing parred bond funds for open space and/or land acquisition.

>> I want to get back to my question. And that is for that part that is going to have to be absorbed by just regular debt service, what does that equate to in tax rates? If you recall on number six, we were talking about 0.3 of a penny. I want to know where this sits in sort of that whole context.

>> This would be approximately, if I'm doing my math quickly on the fly, probably less than a tenth of a penny. So for assuming half of this bond, about \$4 million would be assumed by that over our overall billion dollars outstanding debt, about a tenth of a penny we would see based on projections looking into next year. Certainly I think that would go towards any debt that we are anticipating issuing. There's always a leveling of our calculation of our debt service tax rate.

>> Thank you. And I just want to make that point, because there's been such a laser focus on each of the

decisions that we make and the impact on the debt service, we just need to be clear that we're taking that into account in all the decisions. So it will impact the tax rate that we end up having to adopt. And, I guess, one other thing, I just wanted to be clear on, also in the answer, there was an answer about another situation with a golf course where the general fund had actually assisted with the debt. And I guess, you know, general fund, tax rate increase, whatever, it's all money out of the pockets of pockets of taxpayers. It was in answer to number four. It said roy kaiser golf court was constructed in 1994 through certificates of obligation and the general fund. So this isn't going to be the general fund, it is going to be straight out of the debt service.

[05:19:54]

>> As part of the 2006 bond program, the council at that time put on the ballot some of the parks bonds were inclusive of investments. I can let sarah and kevin talk about that that balance between affordability and golf in acquiring parkland and green space like we do with all our other park amenities, and so that value was made in the 2006 bond program. And some of those funds were used, for example, on the mawilly project.

>> Did you want to add something, sarah?

>> I do want to say this, for years, golf courses have been seen as sort of an elite-type activity. I need to say from a parks and recreation point of view, that in my opinion, golf is a lifetime activity and sport. It doesn't just afford people who may have money to play it, of course, but it affords a growing learning opportunity for our children, just like swimming and tennis. For us -- and we have been working for years now with the budget office in taking a balanced approach. Saying that golf should pay for itself entirely is not the best way to go about it. We don't make pools and recreation centers pay for themselves. To me, learning good etiquette, skills, golf affords that. I think my representatives would agree with me. I believe this is a key to this very discussion we're having. And I need to say that because that's truly, as a professional, how I feel. There should be a balanced approach and I think that's what we're trying to bring to you.

[05:21:56]

>> I appreciate that, sarah. I get that. I'm not a golfer, but I'm willing to understand that there are things in this world that I don't personally engage in that are important to the overall health and thriving of the community. I do want to talk about park deficiency and how this sits in the priorities. And I wonder, I appreciate the last-minute map that you provided to us on the dais. And I wonder if you have a copy to put up so folks can see what we're talking about. Because one of the points of staff support for this is that this is in an area that the park deficient. So I started asking questions about wanting to understand where this sits in the priority of park deficient areas of the city. And park deficiency, we have adopted a goal as council, that says in the urban core that everybody should be within a quarter mile of a park. And outside the urban core, everybody should be within a half mile. And, so, this map is helpful to just give us an overall view of park deficiency. I wonder if you could explain what the colors mean.

>> I will ask ricardo solis who is the manager to join me, because I want to be sure you are getting what you need. I will say this map is a little alarming. When you look at the red area, you see all over the city.

>> Exactly.

>> Not one area is more important to us than another. But we look for opportunities where we acquire land because they dedicate it to us. Through purchasing. In this case, an opportunity arose because there was an opportunity to have an area that if you can't control it, you can better control it by buying it. Not only was it a golf course, but it had park opportunities, trail connectivity, and it has a revenue stream to it. It also is in a moderately high density area, which is one of the criteria for population density for looking at priorities. And this particular area of park deficit is in the top ten area, if I'm not mistaken. It's not out of whack for us to look at acquiring this, but it does not, please understand, negate the necessity for us to look across the city, but it affords us an opportunity that we would not have had otherwise. And the threat of development on top of the fact that it's a very sensitive water quality area. And to be able to manage it, it's better if you own it, is really why we believe this is a good move for us as a city.

[05:24:47]

>> I wonder if you could help me understand how this area is a top ten area, just because it would be nice if there were like a nice one number measure of what the activities get to priorities that we could rank. And I gather it's not that simple because I asked for it and I didn't get that. How does this area get to be top ten?

>> You want to answer that, ricardo?

>> Sure. One of the tools that we use is just looking at population density and income in ranking a lot of our priorities, but primarily the density, we are looking at population densities versus the rest of the southern part of the city. So

--

>> just to be clear, the language in the memo says this is a top ten area for acquisition in the southern outer core. Is this top ten for the southern outer core or the city?

>> The southern part of the city.

>> I'm interested in how does that rate relative to other needs in the city? Because the population density might be considered moderately high here, but frankly, it's a lot higher in several other areas.

>> And I agree. If we were just looking at the southern part of the city on this one.

>> Well I guess the bottom line is I'm wondering how this sits as a priority for spending \$9 million in relation to other areas where we have had a lot of conversation lately about needs, like crest view and st. John's. And we have told them we're sorry, there's no money there. And so I am just

-- I'm just at a loss to understand why we can say to one area that appears to be a very high priority, there's no money. On the other hand, we're saying there's money here. And I get that there's revenue and there are special considerations for conservation, but the bottom line is, we're willing to spend taxpayer dollars and a tax increase or not do a tax decrease, which is equivalent, for this golf course and I don't know why we are not willing to do that for other areas that are in dire need.

[05:27:10]

>> Without me repeating what you

-- and I don't want to seem argumentative at all. This was an opportunity that presented itself that we believe is one we cannot walk away from. It does not, please understand, negate the importance of any other area in this city. And I will tell you this one came with a lot of opportunities with it. We would not have been able to, I think, have as good of an argument or even a point to bring forward without having the issues related to the water shed and working with them. The fact that there is a revenue stream, that it is 292 acres of green space in a rapidly growing area. These are what we would look at and say do we want to let development happen or do we want to preserve this area because it affords us an opportunity that has come forth. I do want to be clear it does not negate any other opportunity. And we will continue to do just as much of a due diligence in looking at purchasing and acquiring property through creative measures. It doesn't negate us coming back to looking at other issues. But we're looking for opportunities. And this one came forward. And, again, you know, your points are well taken. I'm not negating that at all. I just think from a personal and professional standpoint, primarily professional, this is something that we've got a balance here and an opportunity.

>> That's a judgment call. I get that. Let me ask on the map. I'm not quite sure I understand. I presume red is high priority. Gray is low priority, and white means it's already satisfied in terms of the park adequacy?

>> The gray that you're seeing is the density. Actually that just represents rooftops. And, so, the orange really is what we are

-- or the red. Are those areas that neighborhoods and density that is further away more than a half a mile in the outer core and a quarter of a mile in the inner city.

[05:29:26]

>> Okay. So this doesn't really tell us priority? It just says these areas are not satisfied.

>> That's correct.

>> And then the second bullet there says this map represents the 30 million acquisition plan to have all residents living in

-- it's going to cost more than 30 million to get all residents living within a quarter and half mile, isn't it?

>> This is just an estimate. One of our strategies is to work with aid to work with some of our gaps in partnering with them to create a playscape opportunity on the land. So, this is really representing if we had to go out and get our own land.

>> So we could satisfy the needs of the full city for \$30 million.

>> Approximately.

>> That surprises me even more because we're about to talk about \$9 million to just clear one small area in the whole city we can manage for \$30 million. So what about if we do 0.3 of a cent and solve the whole city's problem instead of one tenth of a cent

-- that's not right. It would be more than that because it's tax revenue. But let me say that the orders of magnitude are very close. And we're talking about \$9 million to solve one small area's problems that's not even necessarily stop ten for the whole city. And \$30 million to solve the whole city's problem. It just seems out of whack.

>> I do have to say this, council member. Just recently you all approved the purchase of parker lane.

[One moment please for change in captioners]

[05:32:31]

>> I understand this is a special situation, an opportunity bring forward, because it is an opportunity that could go away, I get that, but, on balance for me, I think it is not a wise investment from the broad perspective.

>> I understand.

>> Council member are riley. >>Riley: I'm surprised about the figure, too. Given the prices we're seeing on land in these areas that are hard to serve, can you help me understand how we can expect to get all those parks in place for \$30 million?

>> Well, first and foremost, that is a very rough estimate because we're looking at what we believe the land is worth. As you know, when you start negotiating with someone who owns land, they think it is worth a lot more, as we saw in some other purchases. Second thing, we looked at opportunities for city-owned land first. We went out and did a complete analysis, what are some other pieces of property, the library may own, public works may own, we could look at to do in-fill set ups, parks, and we looked at partnerships with the school district with other entities that, where we could literally provide a park amenity that would satisfy the quarter of a mile in the inner core and then the outer core areas, as well. So, when we came up with the rough estimate, and I want to repeat that, and please correct me if I'm wrong, it was more based on what we would have to buy without above and beyond all the efforts we would look at from a partnership, city-owned land use, working with aist aisd, working with business developers who would have to dedicate because they were building next to, it all of those things. That is how we came up with the approximate cost. This was also about a year and a half two and a half years ago, so I need to make that caveat. The price of land has gone up, so this, again is an estimate. And, so, I can stand here before you honestly and tell you that it is probably, you're right, it is probably going to be higher. But, when we did our work, that is what we came up with. Today's dollars, two and a half years later, as we've seen the cost of homes and everything else rise, it is going to be more. >>Riley: That's based on the acquisition of land and cost of acquiring park land across the city.

[05:34:58]

>> Just to acquire it, not do anything else. >>Riley: Typically, when we acquire parkland, you would expect to use bond funds for parkland acquisition, is that right?

>> And parkland dedication and combination of that. >>Riley: So this particular purchase doesn't entail either of those. As I understand staff's comments, there is no parkland, park bond funding involved in this.

>> No, there is not.

>> Nor is there parkland dedication fees involved in this acquisition.

>> The only money is money that we're holding because we would, if we're approved to purchase this property, would do extensive engagement to talk about what other amenities would go there and that is where we would spend what amount of parkland dedication money we have. Playground for the neighborhood areas, connect some areas there because there is no connection and then, looking at if we have to do, if we had to add a court or that sort of thing. >>Riley: Is it fair to say to reach the goal

that we're talking about, of providing parkland in a quarter mile, we will have to make use of any available source. Is that the strategy that you have in mind? Terms of

--

>> for this area? >>Riley: In terms of reaching the city wide goal.

>> Absolutely. Absolutely.

>> >>riley: You will look at every opportunity, every potential source. That means when an opportunity comes along that allows to you move closer to reaching that goal without taking a bite out of our parkland funds or fees you will go for that opportunity.

>> Absolutely. And in april we're going to the parks and recreation board with recommendations on parkland recommendations that will come forward to council on the current fees and other recommendations and we're going to follow-up with them about the direction we worked with them on as far as online website and all those kinds of things. But, our goal is to look at every one of those areas and do everything we can to try to solve the issue of the deficit, but be creative in how we do it in putting together smart, financial decisions and working with community members, as well as the business community, to try to make it work. And our friends at aisd and ccc and other places to address the deficit park areas in the city. >>Riley: Do you have a time frame in mind how we could reach our goal?

[05:37:35]

>> Gosh. Honestly, I can tell you that that's not

-- no. I mean, our goal would be

-- our goal would be to solve the problem in a year, but it's not going to happen. One is we're going to have to have more capital and we will be asking for, and whenever we do another bond, we will be asking for more money for acquisition. This year, we were lucky enough to get \$4 million in the 2012 bond, but we asked for a lot more. But, we also take that 4 million and stretch that out as far as we can get it, and we're going to do the same if we get \$2 million. But, bill, I think you've heard me say before, I plead to the community to help us identify property or look at things that could be good deals. One is a purchase of a winnebago property we're working with our friends in austin resource recovery. So we're partnering with another city department, a business community men in stretching dollars as far as we can.

>> It is a step-by-step process with whatever opportunities come up. This moves us in the right direction without having a negative impact on our park bond funds or parkland dedication fees.

>> Yes.

>> Okay. I think I understand the idea. I do have one question that a speaker are raised. I understand that the property we're talking about is 292-acres and there is a question raised about how much of that is taken up by the golf course and how much the surrounding areas that could be devoted to some other use. 180-some-odd acres for the golf course. 10-acres for the tennis courts. The rest of its is land. That's why we talk about an opportunity here, the joint or trifecta, the golf course, some revenue-generating. Tennis courts, some revenue-generating. Eight courts there. And the opportunity of trails and other amenities after public engage bement to see what is considered so you have the best of both worlds. You have the potential of other recreation amenities. >>Riley: And the golf course takes how many

acres?

[05:40:08]

>> It is approximately 180-acres of the golf course but irrigated land is closer to 185-acres so you don't irrigate the entire golf course. The lay out where the holes sr. About 180-acres. You have the tennis yours and parking areas and the balance is open space.

>> So a significant part of this landslide not devoted to the golf course but it is available for open space protection and trails for tennis courts and potentially for other park uses, as well.

>> Absolutely.

>> Thanks.

>> Mayor, I have a couple of questions. >>Mayor leffingwell: Just to follow-up on what he just said this is not acquisition of a golf course, it is acquisition of open space, too. How much is over the recharge zone.

>> Good gosh, all of it. >>Mayor leffingwell: That's what I thought. All of it. So, in a way, you call the trifecta, I think that that's a good word. It is open space preservation and developing a park amenity at the same time. So that makes it different than acquisition of other parkland in other parts of the city.

Mayor pro tem. >>Cole: The mayor had my question, how much was over the recharge zone. We are looking at environmentally sensitive property, you put in the back up it was under thread and development. Can he tell us what that looks like if it happens.

>> I'm going to let jenny answer that question.

>> This site has over 12-acres of impervious cover. The park owner is looking to redevelop. We've had an independent third party land planner and appraiser look at the property and we believe there are about 90 different estate lots of different size. Some are five acres, some are one acre, and that is based on the independent land plan. There is over 12-acres of impervious cover. They would have to bring that forward but it is under development pressure. >>Cole: Okay, thank you. >>Mayor leffingwell: Council member spelman. >>Spelman: While you're there, the extent to which keeping this lot out of development will improve our water quality position. This is 292-acres, all in the recharge zone. Does it have any critical water for futures on it.

[05:42:48]

>> It does. It is arling cave. There are some springs we know. As part of open space, we've purchased the other golf course adjacent to this and removed that golf course from the recharge zone. That's why the partnership with watershed has continued to be so important to take in those environmental conversations. >>Spelman: So this isn't just flat land. This has caved on it, has some springs on it.

Anything else you can tell us about the recharge features associated with the land?

>> I'm trying to think. We've looked at management, how to be a better environmental steward. We've looked at how do we step up and be a better environmental steward.

>> We've been purchasing land in this part of town for a long time. 1998, sir. >>Spelman: Thank you. Since 1998, since you, judy plumber, have been buying land in this part of town, you've bought thousands of acre in this part of the world, you could come pair the recharge potential of this land relative to the other land we've purchased. Is that a lot worse, a little worse, better, even? What do you think?

>> I believe very much watershed is helping us look at how to even be and increase that management so that we continue to with the land we've invested in. >>Spelman: If there were no golf course on this land, would you still be interested in this property?

>> Yes.

>> Because of the development potential?

>> Did I ask in a staff meeting, would it be better environmentally to have a golf course we're managing correctly or have development, and they said, by far, the golf course. >>Spelman: Makes sense to me. This map, I took it out of context at first and said, look at all that orange space. First, we're going to buy all that orange space, which I'm pretty sure you're not proposing to do. Perhaps you could explain what the orange actually means on this map.

[05:45:22]

>> Council member, actually, what that represents is what we did and we put a radius around our existing parks. A quarter of a mile in the upper core and half mile in the outer core, and what shows is the white spaces. And, what

-- in other words, those neighborhoods are now being served. What you're seeing is a color representation of neighborhoods not being served, but as soon as we buy property, then that the white or the orange, red color starts shrinking.

>> So we buy a property right there and we will have a half-mile radius circle around that now that is being served.

>> Correct.

>> Okay. Seems to meet places most in need of parks, the places which are furthest away, that would be the places in the middle of the larger orange blobs, the people who have the furthest to travel to get to a local park. Is that right? >>Spelman: I've been looking at the maps we're using to identify, the high-opportunity sites map, for example, from the works group, and it seems this kind of a map is an appropriate way for us to think about however that \$30 million or whatever it turns out to be in the long run out to be spent. Having a sense for what this map means and which parts of town are the highest priority because they are furthest from a park and least well served by the park system would be a good idea and that would help us identify, first identify places we think would be good to assist you and purchases of parkland, anding send, put in context opportunities like this one. We understand exactly what it means. This map doesn't help douse that.

>> Absolutely, we can certainly do that. >>Spelman: If you could do that, I would appreciate that. Thank you. >>Mayor leffingwell: Councilor martinez. >>Martinez: For the record and for those watching, I wanted you to, as briefly as you can explain, what it would entail in terms of time, cost and staff to site and locate a property of this magnitude, to design and build a golf course in terms of the impact it would have on your division division.

[05:48:03]

>> Good morning. We've done some studies and looked at other cities and projects around the region. The legalthe early estimates are 18 million for the routing, design, architectural, engineering. All that

said and done, it is between 15 and \$18 million we estimated it would cost you to do so if we're looking for a new property.

>> Is that taking into account the tennis courts, maintenance barns, pro shop, driving range, practice facility.

>> It would take into account the golf course practice facility but no other amenities. >>Martinez: Thank you, Kevin. I appreciate the questions others have raised about the equity issues and issues we're struggling with in creating the appropriate access to open space throughout the city but this is a unique opportunity and I think staff has done a good job in answering the questions that have been raised by the community and by council so I would like to move approval of

-- are we going to take them one by one, Mayor? >>Mayor Leffingwell: I think we can take 29 and 31 together, and then 30 separately. >>Martinez: I will move approval of item 29 and 31. >>Mayor

Leffingwell: Motion by council member Martinez to approve 29 and 31. Second by council member Spelman. Council member Tovo? >>Tovo: I have a question, too, a lot but I will try and blast them quickly. In my staff discuss with various, various staff from all your departments, probably, we've gotten more information about the water use and permitting and some other features of the site or some other bits of information relevant to this site and it seems to me the city has had a strong interest in this site, a strong environmental interest in this property and what happens there on the site from pesticide use and what not to the water permits that they had applied or the water permit they had applied for from the TCEQ. My question is, with regard to that permit the city had been protesting or arguing against is the intent of the city to continue to pursue that permit, and I think it is the bed and banks permit that allows for transmittal of service water to the pond.

[05:50:36]

>> Yes. Thank you. I'm Ross with the law department and I've been involved with that case for the last couple of years. Yes, the golf course did apply for the water right for operation of those ponds, and it is a little bit more complex than that. The city did actually protest that application due to certain water quality concerns, but there's been extensive talks and negotiations with the property owners about, basically, best management practices, the use of fertilizers, pesticides, efficient use of water. We were actually just about to reach an agreement, watershed developed a very extensive document to which they said they were prepared to sign on to when we learned that we were purchasing the property. So, basically, the city is treatment planned to carry through with the best management practices. And, in fact, I think probably even go further than that. So we would be stepping into the shoes of the applicant.

>> Okay. Thank you. And so now there is a good blueprint, as well, for watershed in terms of moving forward in a way that is consistent with practices at other public land.

>> Yes.

>> Thank you, that's helpful. Since watershed has an interest, really, in this tract, is there an opportunity to for any kind of cost opportunity in terms of the debt service? I had to ask. [Laughter] if you would rather not be put on the spot maybe this is a question for our city legal, is there anything we might do today in approving that item that might preclude that possibility.

>> The watershed protection, in art, the answer would be like every city department we have unmet and unfunded needs and I think one very dramatic example of that is in southeast Austin with respect to

our buy-out program, our emergency relocation program in that floodplain. Beyond that, we as a department are committed to, you know, arm and arm with parks and recreation department and the park program, help improve the management of this facility and bring it to environmental superiority. We have a lot of that accomplished with the negotiations and some improvements that have already been made by the property owners. We've got some other things in mind that may require some future commitment of resources from whatever source. Once we acquire the property, we will look into what more we can do and if there is a cost to it, you know, that will be considered. >>Tovo: Thanks, and I understand there are critical needs, including the buy-out program. If funding, though, was not a challenge and subsequent years, would there, I guess my initial question remains, would there be an opportunity for watershed participate to cost participate, is anything we're doing today committing that reduction of debt service to those two -- to the two avenues we discussed earlier, the golf enterprise fund and debt service paid off by the taxpayers?

[05:54:07]

>> No, there is nothing that you're doing today that would prohibit a future council from making a decision use other sources of revenue to pay down the debt. >>Tovo: Thank you so much. >>Tovo: So, miss arnold asked a question I believe we have in our back up but I want to verify it. She asked whether the golf enterprise fund would be responsible in any way for reducing the debt service. And, our answer that we got back, or whether the golf enterprise fund would be impacted potentially by the purchase of this property. The answer that we got from staff talks about the purchase of gray rock should not adversely impacted golf enterprise fund. Revenues from gray rock are going to be used to help reduce that debt and on going maintenance. So, will -- would you just verify for me that that is the case. Will general revenue from the golf enterprise fund be used to help reduce the debt service or is it strictly going to be revenue from gray rock? >> Currently, that's the plan, we would strictly utilize revenues from gray rock. >>Tovo: Thank you. Can you explain to me your plans for how this, as -- if this is approved and the city acquires it, what is the plan for making sure the green fees are affordable? >> Sure. We're going to tentatively treat this as a tiered system, much like we have today. We have a tiered system in the program now where we have a higher fee truck structure at one course and lower at the other and some are in the middle. Where that is long-term will depend on operations for the facility. We will take a year to evaluate the program and see where we can make changes and consider options to lower the fee options so it is a little more affordable. There is 370 members that contribute a high portion of that revenue and it is important to keep that in mind, especially over the coming years to make sure we are making a profit at that facility.

[05:56:27]

>> If the current membership fees are really much higher than they are, and we haven't gone into detail in our discussions about this, but it those fees are higher than the highest tier at the other courses, will

than something that you're actively looking at.

>> Absolutely.

>> The possibility of lowering them.

>> Absolutely. Over time, especially it will be going to take some time to evaluate. We haven't spent a lot of time to evaluate that, we know it is there, but learning how to do that is an important ingredient to moving forward. >>Tovo: Good it sounds like that will be a goal of yours to make sure this remains affordable.

>> Absolutely. >>Tovo: Is this our only golf course south of the river into it is the only one south and southwest. There is one fairly southeast. >>Tovo: Okay. And, I assume that I should ask, well, let me just ask this question, will the golf course be redesigned so it uses less water? Is that a goal?

>> I will say this. I think the key words that Mike said is, environmental superiority. And, that is our goal, as well. I will tell you that we've already

-- we're already working with our friends in watershed, of course do we with them anyway, but our goal is to create a really environmentally sensitive well-balanced and sustainable golf course that uses every environmentally-sensitive practice we can, and even to the point that Mike was recommending we possibly look at it being Audubon certified, which helps. >>Mayor Leffingwell: Microphone, please.

>> I'm sorry. Absolutely, our goal is to do everything we can to create environmental superiority at this course.

>> One of the things we're planning to do once, assuming you approve the acquisition, is a very thorough, detailed survey of the property for critical features. Identifying those as critical, I would anticipate we might be recommending increasing buffers around some of those features, which might involve taking some currently maintained irrigated areas and putting them back into a natural buffer. But, until we get the property, you know, we haven't crawled all over it like we do on other properties when we acquire them, and that will be on our to-do list.

[05:58:57]

>> So it is currently being irrigated through several wells, one of which is permitted by the conservation district. Do you intend

-- is that kind of the plan going forward to continue to use those wells for irrigation.

>> That is probably best answered by Kevin, but it is my understanding early there are sources of water, they're conjunctively using ground and surface water. One of the things, when I was actually on the site about two years ago with one of the engineers, one of the things that kind of impressed us was the surface drainage on this property is pretty much all captured in the retention ponds and then used to irrigate the golf course. It is like a big re-irrigation system of sorts, and it is only when they were in rainfall deficit and high evap situation transfer the wells kicked in to keep the ponds topped off.

>> If I could just add one quick thing, the ground water wells do need to be, continue to be maintained because if it goes over the state limit, the law required the ground water compensate for any water used above that. The permit would require the continued maintenance of ground water wells. >>Tovo: Thank you for that clarification. It's been

-- thank you, I think that runs through most of my questions and a few others, but I know we're @citizen's communications time. One suggestion that was brought to us, have really accurate

records of pesticide use and water use so we have a good history of what's been done in the past and also the hope is this might serve as model for others how we can really well manage and use higher, more sustainable management practices and potentially see what that, how that relates to economics and the hope is that it would be cheaper to do so. But, I also want to say a few things. I agree with the issue about equity and I think it is very critical and I appreciate that you're continuing, that you understand that and that it is an important goal of the parks department to make sure we have parks across our city. And I hope it is not a settled question that we don't have the money for a potential park in crestview and in st. Johns because I think those need to continue to be on the table, as well as park acquisitions or redevelopments throughout our city. It is a big expenditure. It is I would -- expenditure, it is, I would say, a big mid-year budget amendment, but it is warranted because it does offer some important environmental benefits in making sure to tract is not developed and I think we will be good stewards of this tract. I want to highlight a couple things said by our speakers. It should be an affordable course and I'm glad that is a priority going forward, and in no way do I see this relating to the discussion of our alliance municipal golf course and I hope it will continue to be a high priority of our city management to see if there is a solution that could be arrived at with the university of texas to make sure that open space remains as golf course, because it is a very important asset in our community. So, thank you, all of you, for being down here today and your continued advocacy on this point. In our q, q&a, there was a point but nonresident fees. I hope it will be a goal of our parks board or golf enterprise find to make sure we have different fees for nonresidents and residents. The residents pay taxes and should not pay the same rate when they go to the paid city recreation alpha sillities. He -- recreational facilities, I hope that will be a priority and you will move more quickly on that front. And, I think that was the last point I wanted to make, but I will be supporting the motion. Thank you to all the staff for this opportunity. >>Mayor leffingwell: Just for the record, kevin, I don't mind if you want to reduce the number of water hazards and there to save money on that. That is fine with me.

[06:03:29]

[Laughter] >>mayor leffingwell: All in favor, say aye? [Chorus of ayes] opposed, say no?

>> No. Now move to number 20.

>> All those in favor, please say aye? [Chorus of ayes] passes on a vote of 6-1 on all three readings with council member morrison voting no.

>>> We go to our general citizen communications and begin with nancy lewis. And the topic is the zoning change on newly subdivide lots on northwest corner of south 1st. You have three minutes I can pass them out to bun person

-- to one person and we will pass them down.

>> I didn't copy one for the city manager. I copied one for the city clerk's office. Okay. My name is nancy lewis, and I have provided you some exhibits that I would like to walk through with you, because what I have to say really would take much more than three minutes so we will do the best we can. The first item I'm here to present to you, a petition from the homeowners from the meadows at double creek subdivision to ask you to initiate a zoning change on the newly-subdivided lots on the northwest corner of 1626 and south 1st street. The first item in your packet is a photograph of the area that we're looking at. And, we wanted you to be able to see that we have a play ground, we have a retention pond that has

a wetlands format rather than being a concrete basin, and how close this development is to us. The next thing I have here is the proposed site plan that if you overlay this, you can see how close the construction and the gas tanks will be to our homes and to our park and our retention pond. Then, I would like for you to see our petition. And, I don't have time to read all the front of it, but I would like to read to you the actions that we are requesting. We, the under signed, are concerned residents at the meadows in double creek neighborhood. We ask the city council to protect our family-oriented neighborhood and quality of life by initiating a zoning change to the aforementioned lots this should as changes to the zrc zoning to proexhibit e exhibit service station fuel cells and other conditions necessary to protect our neighborhood from environmental, water, land, noise and light pollution. It is signed by 134 of my neighbors. We're representing 84 homes in the subdivision. The next document there is a schematic that shows you the extent of the participation by the neighborhood in this request. We had a few people not home when we were there so we had actually 95s 95% of the homes contacted enthusiastically agree that we have this done and request that you do this. The next thing that we have is

-- well, first, I need to say that when we first started asking the questions, why were we going to have to have gas tanks in our backyards, we talked to city staff, we reviewed the plans and

--

[06:07:42]

[beeping]

>> they said it was because of zoning. So the original zoning, this is a statement from there, I direct tout starred items here which set the intent

--

>> ma'am, your time has expired so please wrap up.

>> The intent was to protect the neighborhood and we do not feel this offers any protection at all to our neighborhood. >>Mayor leffingwell: Thank you.

>> Thank you. >>Mayor leffingwell: Council member martinez has a question for you. >>Martinez: We've been commute indicating with the neighbors about in project, trying to determine what it is this council can do. Just so you know, that if your request is taken up by the council and we initiate a rezoning case, it is likely the property own year contest that and create a valid petition, meaning that it would take a super majority of this council to change anything. I'm not saying that similars possible.

>> We're hoping not. >>Martinez: But it would be, you know, a difficult task. We will ask how we can best effect those concerns. We will continue to reach out to you. I appreciate the packet and we will take that as a starting point.

>> Thank you very much. >>Mayor leffingwell: Next peker is isabel rios. The topic is the onion creek flood area.

>> Hello. May name is isabel rios and I'm here speaking on behalf of my neighbors, victims of the flood during the halloween days. I want you to put yourself and imagine you're one of my neighbors waking up in the morning with water under their feet. Every since that day, it has been a nightmare for them. I was there with boots on the ground since day one. Starting to distribute information to my neighbors that same day and found people that have slept on friday, have people who have slept in the mud

during the night because they had nowhere to go. They had no transportation. Their cars were all swept up. And, you know, I was surprised. I come from Mexico, the way the response to natural events is very different. We have police, we have the army coming in and saving people. This was not the case. And, I did not need it, a report like yesterday, you know, in the news to say that there were a lot of flaws in the response the city had, and that's a reality and we understand that. But, can you imagine being one of my neighbors in the back of the street, a forgotten street, because it's not even on the map, calling for 911 as the water was rising up to six feet, trying to reach the top of her house, she is an adult, elderly lady. By herself, and calling 911 to say, your street does not exist. Waiting for more than five hours to be rescued. And feeling that for hours on end. Think about it. That's what I put myself in, in their shoes. I started trying to help with the neighborhood association, I'm part of it. We tried to do as best as we could. And it took five days for this city to show up their faces over there. And come and talk to our neighbors. For us, it was the indication, area, they're looking at us, we're no longer invisible, great, they're going to start working to fix this problem. But, guess what, it is four months and most of my neighbors still living in shell houses up to today. I understand you came up with monies for the buy outs, but it is not enough. Even know when the city government has spent \$60 million to buy another 60 houses, 295 houses will be up for grabs. They have nowhere to get out. Now, I am here to ask you to stop the policy that is taking the insurance monies from my neighbors. You're basically trapping them in there. Okay?

[06:12:38]

[Beeping]

>> I will be presenting

-- well, the city has been presenting offers that is a 30-day take it or leave it offers. A lot of my neighbors have lost their jobs, they no longer have credit, a lot of senior citizens and military personnel and they cannot afford to live without money. Thank you. >>Mayor Leffingwell: Thank you.

>> I will be leaving behind a letter we will present today. >>Mayor Leffingwell: Pass it to the clerk, please.

>> Okay. And this report we will send to you electronically. Thank you very much. >>Mayor Leffingwell: Page Trimble. Pedicab taxi regulations. You can go over here. That's fine. Go ahead, page. Can I ask you to step back a little bit, please.

>> I'm a citizen of Austin, Texas. I have recently found out during South by Southwest conference that there are some rules and restrictions in Austin's code that don't allow certain rides to be taking place. More specifically, sedan calls via an app. So, the one I'm specifically speaking of is Uber, and right now, in order for you to request a ride, there's minimum requirement. A minimum wait time for the transportation and minimum fare requirement and I'm asking the city council to eliminate the wait times for transportation. If you call a town car and it arrives in five to 10 minutes doesn't make sense you have to wait 30 to 40 minutes to get into that car. The next thing I would have the town council to eliminate the minimum fare requirements. Austin residents should not have to pay an arbitrarily inflated fare for a sedan ride. So those are a couple things that I would ask the town council to consider in regards to Uber, specifically, and more broadly all specific

-- those rules, specifically. Does that make sense? Yeah. >>Mayor Leffingwell: Okay.

[06:15:22]

>> Thank you. >>Mayor leffingwell: Thank you.

>> Mayor? >>Mayor leffingwell: Council member riley has question for you. >>Riley: Actually, a question for staff. I see we have transportation staff here so I just wanted to ask them brief three answer a couple question

-- briefly to answer a couple of questions about that. Thank you for being here. You heard the questions that mr. Trimble raised for transportation companies like uber that operate through apps, and that has been an issue we talked a lot about over the past year or so, and I understand that there are still on going conversations about exactly how we will deal with those sorts of services in the future. You could just briefly tell us where that conversation stands now?

>> Assistant director of the transportation department. There is a sub committee that is meeting about transportation network companies as they're called from the california puc. That

-- those

-- that discussion is going forward now. In this case, uber, a portion of uber contracted with chauffeurs that currently had licenses under other programs with the city, and those, the restrictions those programs applied to the rudes that were uber. So, the transportation network company discussion is on going, and I expect that committee and staff will bring forward recommendation to the council some time, summertime probably. >>Riley: So we do expect further progress on that this summer as a result of the on going conversations. And the reason we have the minimum wait time and minimum fare requirement in place on uber during south by southwest is not so much that is carefully crafted solution for this sort of problem, it is rather that that was an existing type of service and uber was simply trying to work within the framework of regulations that were established for what is really a different type of service, is that right?

[06:17:29]

>> Yes.

>> So if someone wanted to get involved in that conversation about how we will deal with transportation networking companies like uber going forward, is there an opportunity for them to get involved with the discussions that are going on through the urban transportation committee, sub committee?

>>> My understanding is those meetings are posted on the website under the utc, and the meetings are open to anyone.

>> Do you know who the chair is of the sub committee?

>> Rich mckennon.

>> A member of the urban transportation commission is chairing a sub doe work on this problem. They are having public meetings and he can provide further information about the time and place of those meetings and they are also posted on the website.

>> Okay.

>> So we need help from people to figure out what those regulations will look like going forward get this problem fixed so we can have an approach rate set of regulations in place and we expect to see a result

of that effort in summer.

>> Real quick, the reason I'm interested in the regulation being changei would like to have taken uber to ride here today and not have hadtiven into the city, found a parking spot for 20 minutes and walked here. I could have had uber drop me off directly out front and I would like to take them homes so citizens of austin would like to have better options.

>> I appreciate that. And we've heard from others, as well, that would like to use the services. We know transportation presents a lot of difficulties, especially during times like south by southwest, but year around there ought to be opportunities available and there may well be a set of regulations that we could put in place here, just as other cities around the country have been doing to allow for innovative solutions like uber and other transportation companies are suggesting. So that we -- so that we would be able to offer, to make shows services available in the future. I appreciate your being here today to raise the issue because it is a matter of concern for a lot of people and I hope that we both see progress on it very soon.

[06:19:40]

>> Great, thank you.

>> Thank you. >>Mayor leffingwell: Carlos leon. A number of topics. Get right with god, we need gods assistance, help us, god, chemtrails and truth.

>> Thank you, mayor leffingwell. I'm carlos leon and I'm here on march 20, 2014, to speak what is right. First and foremost, I thank god for allowing me to be here today. Secondly, I respectfully request the city council petition the faa in writing to permanently ban chemtrails in the airspace and interseptember, prosecute and, if necessary, shoot down in violaters poisoning us in austin. Third, in the recent article, spineless christians and the war on values he wrote, quote, the rule of law and traditional american values are under attack. If conservative christians don't get a spine, we will lose america. Unquote. It sounds like sun city resident bill turpin gets it. He is attempting to host a rally to fight belief systems that unconstitutionally control a person's body and mind and promote economic tree come to. Right to life, religious freedom and other principles of his intersurprise and democracy international group. But it appears the president of the sun city democrats submitted opposition to fellow residents and contacting an official to stop his rally. Worse, democrat freeden allegedly said, quote, I don't think we should be anti-anything, unquote. Her quote is so sinister and dangerous, it sounds like she works for the devil. If you're not against anything, you could be for anything. For example, if you're not against abortion, you support 1st degree murder which does against god's commandment, hou shalt not kill. And you're for obama spying against your will, consent and knowledge. Further, notice his group is voluntary, meaning mr. Pturbin. You can join his group or not join his group. He even has powerpoint presentation. It is up to you if you want to follow hill or not. Look at obama care, it is ambiguous, changes all the time and if you don't follow it, don't join it, you will be penalized by the irs \$95 or have no medical insurance. Look at the difference of good old fashion value americans are trying to do, verses or current democratic demagogues trying to destroy us. Bottom line, we have to get back to god's word, repent, and ask god, lord, please continue helping us. In jesus name apray. Thank you. >>Mayor leffingwell: Joe garcia on the onion creek buy out program. We could have taken you all together if I had looked down the list. That's okay.

[06:23:29]

>> I'm jo garcia, one of the residents in the onion creek flooding zone, and I'm here and I will not apologize for my emotional state because the night maries still continue with -- nightmares still continue with us. We were woken up to water up to our ankles that morning. After our unsuccessful attempts to reach 911 we were able to get through and told to try our best to get up to the roof by ourselves. So, I ended up being washed away in the backyard luckily, after being crushed by the truck I was trying to get on with my 3-year-old grandson, pinned between the wall of my shed and the bed of my truck, I was able to find a rope to tie me 3-year-old grandson to me so he wouldn't be washed away and I reached up and found a branch that was strong enough to hold me and secure me nor what seems hours until we were able to get rescued. Mason, whose children they -- my son, whose children they belong to, was able to get to the roof, he was able to swim back, found a taken, braced it against the wall and was able to get my 5 month old grandisonian 5-year-old grandson up to the roof. We still have respiratory issues for having ingested some of that water. We still have nightmares from what happened to it's. I'm part of the buy-out program, and have been told after numerous conversations and conferences with the director of watershed protection and the buy-out program that I should be grateful that I am part of the buy-out program, that there's people lined up trying to get bout out, and I think that's one of the issues we have here. I'm not grateful for this. Because I don't believe that it is fair. Yes, they've given me the fair market value based on the appraisal of my house. They've deducted the insurance and so I ended up with 56,000 as an acquisition for a new relocation. The relocation benefit is a spend to get, and I think it should be the other way around. I don't think we should be forced to go out and spend money in order to get money. I think we should be able to get the money and that should be used towards a any housing. The other thing is that the market value is not what it used to be mir mare ma'am, your time has expired. I want to assure you your time has expired. A lot of people have been working hard for a long time and we have the money to by a out 44 homes and that is progress. The details of that we're not here to discuss that.

[06:27:08]

>> My issue is not the houses will be bought out, the issue is the relocation benefits are not fair for what the values are right now. >>Mayor leffingwell: I understand, ma'am. Thank you. Next speaker is susracio reyes. [Applause]

>> my name is, you got it wrong, ausracio reyes. I am a resident with all me people over here, and just get some more love letters for you and then you can see what the people need for us. The things going on, we spend a lot of money on the parks and stiff, we want to enjoy it, too. We don't want to be in the town over there rest in peace because we've got floods because they spent the money. There is danger over there and the city knows about it a long time ago and that is a flood zone they are not supposed to build any houses on it. They permit now build houses on other areas where all the water comes down to us so they've got to be aware on that stuff and god does look after everyone over there. And, on the roads by us, the persons come over here to say about it, pay the money for those people. Not just take the depictable, the interest money for them. That's the things we don't want it. I mean, you don't want

to get something we pay for allstate, where that money goes. And, then, we left a lot of stuff to pay and we don't getting in on it. No cars, no furniture. All the houses with the mold and all that stuff, that is dangerous for all of us, for our kids. In my case, I didn't start yet on my home. You can walk inside my house and see one side all the way through the other side, and that's not fair. So, we are waiting to get a buy-out, and then, if we fix our houses later on you're going to come up and say you have to raise your house six feet above. That's because the fema rules begin, so you're going to follow those rules that is fine, but the fema rules say you have to be safe to a point it is going to be safe for everyone. So, I'm going to ask the city, they're going to raise those streets? They going to raise everything so we can walk out and walk all the way to the top.

[06:30:00]

[Applause] the other thing that's on the map, the way they designed the map, who went over there, have been living on this lot two times. It is seven, eight times, I don't know how long it has been flooding there. Who the one from the city went over there to walk those streets and see which street got flood first, so we're going to see all that first. We know you're going to ask all those people and they change the plan who is going to be the buy out. I doan's discriminate anybody over there, we all have got to be out from that area and live safe are like all of you living. I got some letters. I know my time expired. I have letters for people that can't come because they are working and we still have more letters.

>> Pass them to the clerk and we will be fine.

>> I'm hoping do you something. >>Mayor leffingwell: Thank you. Can I ask you to get together over here, they may not answer all your questions but at least it will be more information for you as to what the plan is from this point.

>> It's really hard understanding being told about spending money when we hear you spending money for a golf course or beautifying shell creek. That is good stuff. You know, we need to keep doing good stuff but it's hard for those of us who are being told we don't have the money to buy you out for that specific reason. And there are those of us who don't want to be bought out and there are people trying to rebuild but they don't have definite information given to them. Are they going to rebuild and have to build it up 3 more or 5 more feet. Wait six weeks and we'll send you another letter. It's been four four and a half months. The people who have gotten insurance money, in four and a half months, but they've spent that money trying to survive and to take it out of what they're being given for the buyout, like the lady before us said, you're getting half of what your house is. And we can't find houses for \$100,000. We don't want to go to buda, we don't want to go to kyle, which is what they told us to do so we could buy a house. I don't want to go there. I have a handicapped child and mother. I need to stay in the general area or they can't get around where they need to go. And I just want something definite being told. I want something in black and white. We don't know

-- we hear hearsay. Are we going to be forced to sell later on, ten years, 15 years? Some people have been on this list since 2001, and so they're just waiting, and there's been two floods since then. This is the first time I had ever flooded. Never came close to my house. So this is all really new to me. So I've heard a lot of them, and you do, you see how there are a lot of deserted homes that have been totally deserted and you wonder what those houses look like. They're right next door to me. If this had been, I don't know, shoal creek or if this had been onion creek or some of the fancier houses, tarrytown, would

have taken

-- would it have taken five months to get something going?

[06:34:07]

[Applause] that's how we feel. This is a working

-- and that may be totally wrong but we're not having anybody tell us that. We don't have any information coming to us except for, well, this person told us this and this person told us that, and I got bought out and this is what they made me do. We go to the buyout station that's on William Canon and we're treated pretty badly. It's like, we're here, you know, for you, yeah, but you should be pleased with the fact that we're here for you and do you what we tell you to. That's not right. We didn't make this. These houses were built before the floodplain stuff came out. So we were fine when that happened.

>> Mayor Leffingwell: Thank you, ma'am. [Applause]

>> Mayor Leffingwell: We're going to have someone from

-- we're going to have someone from the watershed department meet with you outside of this chamber and give you some more details, whatever information we can give you.

>> There are several of us who would be more than happy to answer any questions that you have, but we would really appreciate just some responses to what's coming up.

>> Mayor Leffingwell: And that's what you're going to get. Thank you.

>> Thank you very much.

>> Mayor Leffingwell: Tony Marquardt on public safety concerns. Marquardt, excuse me.

>> Good morning, I'm Tony Marquardt, president of the Austin/Travis County Paramedic Association, been there 15 years. I signed up to talk about the prevention prosecution and challenges we made moving forward to continue to bring our valuable programs to the community and I do appreciate what you've done with considering the 1115 waiver and expansion of our community health program. Those are valuable things, but I did want to share with you, we've had a recent development that's affecting the stability and morale of the front line staff. Yesterday in a mandatory meeting EMS management has put our district commanders on a schedule without prior conversations. They were put on a schedule effective immediately outside our contractual obligation to notify people of scheduling changes. The scheduling for our front line staff is vitally important. It's directly tied to morale and has everything to do with our safety and with our ability to choose our best work life balance. A one size fits all schedule has been shown when we've done it before to be detrimental to morale and it doesn't give our people the opportunity for finding the adequate rest and adequate relief from stress they've been becoming to doing with advocating multiple schedules which has worked well. With each change in schedule we do an objective survey to look at that. It's a huge disappointment for the front line staff and unfortunately that's something we're dealing with today, as the EMS chief yesterday said that this schedule that the command staff was put on will be applied to the front line staff. Clearly we have a lot of conversation ahead of us and I'll be looking forward to meeting with Chief McDonald, city management and some of you over these issues to make sure everyone is aware of and informed of kind of the challenges we're going to face coming up here. The thing I did sign up for, though, assuming I have enough time, was related to our community health program. Community health has been a grassroots initiative from the front line staff. We developed this program just with the working staff, and it was part of our initiative

back when we looked at long-term planning and we didn't see any tangible long-term planning from ems management. The association years back went ahead and made our own plan and we presented that to council, and they are

-- and that had to do with the community health program, which I wrote. The community health presentation also had a great deal to do with prevention. To this date we're still running our preventive program out of the ambulance with no full-time person assigned to this. This is a vital community need. Community health and then the direction it's going I think is important. Some of the fiscal impacts and the value of what we have going forward with our prevention programs is nationally recognized. We have had now the largest child seat prevention program in the state of texas, and if you look at some of those stats, which I'll provide to you in your emails, that's at cost savings of \$7 million -- puts 7 million back in our community by preventing childhood fatality and permanent disability. Thank you. Bob nicks?

[06:38:44]

>> Bob sends his apologies. He's reassigned to a fire truck today. Thank you.

>> Mayor Leffingwell: Okay. So that's all the speakers that we have. So the council will now go into closed session to take up one item, pursuant to section 551.071 of the government code council will consult with legal counsel regarding item 66 relating to competitive matters related to the negotiation of a power purchase agreement with sun edison. Note that items 64 and 65 have been withdrawn. If there's no objection the council will now go into executive session. Test test test test test test

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[09:33:19]

>> Mayor Leffingwell: Okay. We're out of recess. We'll begin with

-- we'll go through our zoning items, consent only.

>> Thank you, mayor and council. Greg guernsey, planning development and review department. I'll go through our 2:00 items that I can offer for consent from the zoning and restrictive covenant covenant amendments, neighborhood plan amendment items. The first item I would like to offer is item number 67, case c-14-2013-0092. This is for the property located at 2915 and 3013 east cesar chavez to zone the property to general commercial services, mixed use, conditional overlay combined district zoning for tract 1 with conditions. And to rural residence neighborhood plan combined district zoning for tract 2. I'll note that on your dais you have a restrictive covenant which does speak to if the lumberyard use ceases on this property that the owner has agreed to construct a minimum of nine residential units. In addition, I understand there's a councilmember asked and the property owner has agreed to provide in

that same covenant, which has been signed, a requirement that they would locate treated lumber
-- this would be like pressure-treated lumber
-- to be placed on a surface, an impervious cover type of surface that will be shielded from rainfall or other moisture. And that the owner has also agreed to do that. And with that I'd offer this for consent approval on second and third reading. Item number 68 is case npa 2014, 0003.01 it for the neighborhood plan amendment for the property located at 1805 and 1807 ulit avenue. Staff is requesting a postponement of this item to your march 27th agenda. The related zoning case is item 69, case c-14-2014-0006 for the properties again at 1805, 1807 ulit avenue. Staff is requesting postponement of these related items to the previous item to march 27th. Item number 70 is case c 814-2012-0085.01, the he is stance I can't hill country pud located at 12814 interstate highway i-35 south at f.M.1327. Staff is requesting a postponement of this item to may
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[09:36:10]

>> Mayor Leffingwell: 15th?

>> Yes, I think it is the 15th, mayor, that's correct. Thank you. Item number 71 is case c-14-2012-0067. This is the rct, a restrictive covenant termination for the property located at 1700 and a half frontier valley drive. Planning commission was to grant the restrictive covenant termination. This is ready for consent approval. Item number 72 is case c-14-2013-0081 at 517 east oltorf street. We have 12 speakers that have signed up for this item and so 72 will not be offered as a consent item. Item number 73, case c-14-2013-0107 is at 600 kemp street. As announced earlier today during changes and corrections I understand this will be considered at seven p.M. This evening. Item number 74 is case c-14-2013-0147 for the property at 707 west avenue. Staff is requesting a postponement of this item to your march 27th agenda. And then finally, item number 75, case c-14-2014-0002 for the property located at 10701 manchaca road. This is to zone the property to community property mixed use combined district zoning. Zoning and platting commission was to grant the grmu combined district zoning and this is ready for approval on all three readings.

>> Mayor Leffingwell: Okay. So the consent agenda is to approve item 67 on second and third readings and also include the added restrictive covenant item to provide impervious cover for treated lumber and cover for that treated lumber. And to postpone item 68 until march 27th. To postpone item 70 until may 15th. To close the public hearing and approve item 71. And to postpone item 74 until march 27th, close the public hearing and approve item 75 on all three readings. Councilmember morrison. Councilmember morrison moves approval. Seconded by councilmember martinez. Councilmember morrison?

[09:38:41]

>> Morrison: Just to clarify, the signed restrictive covenant that we have for 67 I believe already includes the language that we were

-- that you mentioned about wood with preservatives.

>> Yes. Treated lumber should be on that document.

>> Morrison: It is.

>> As well as the nine units.

>> Morrison: And I do want to thank the applicant and the neighbors for working together on that.

>> Spelman: Mayor? I just want to be sure it was on the record it's true that both 68 and 69 will be postponed until the 27th of march, is that right?

>> Mayor Leffingwell: 68 and 69 until the 27th of march, yes.

>> Spelman: Thank you.

>> Leffingwell: Did I say something different from that?

>> Spelman: I don't believe you mentioned item 69.

>> Mayor Leffingwell: I stand corrected. All in favor say aye. Opposed say no. It passes on a vote of seven to zero. So now we'll go back to item number 2. We do have two folks signed up to speak. Did you have a brief introduction or do you want to just stand by for questions? Okay. We'll hear from our speakers. First is laura presley. And donating time is shaun ireland. He's here, so laura, you have up to six minutes.

>> Hello, mayor, mayor pro tem cole and councilmembers. I'm here to speak on the austin energy power purchase agreement for the 150 megawatts solar energy from sun edison. First let me say that this price per kilowatt hour is outstanding and that I fully support the negotiations of this future contract. Yet there are two main concerns that need attention, and one is related to the financial aspects of the proposed negotiations and one is related to the technical performance of the devices. With regard to the finances, we've heard that the price per kilowatt hour will be around 5 cents, compared to the cost of other sources of our energy. And I think the estimate that's been

-- that's been documented is 7 cents for natural gas, 10 cents for coal and about 13 cents for nuclear power. This new contract for 21 million dollars' worth of power purchase, you would think that this is going to replace something at some point. And we need to consider what we're going to take off the plate from our energy portfolio. And I just want to have a little bit of that discussion right now. When we do switch over from a consumer cost standpoint, we probably want to reduce the most expensive energy in our portfolio, and I think that is our nuclear energy. There's a lot of issues with nuclear energy and I just want to put that on the table for you guys to consider down the road. We can reduce our cost and we can get to a cleaner source of energy. We can do both. Sometimes we think it's one way or the other, but we can do both when we try to focus on both of those. The second topic is more related to the technical issues with solar power. There's an excellent article that was written. It was less than a year ago by the "new york times". And it has to do with the reliability and failure modes of these solar panels. If you are aware, about half of the solar capacity that we have today was installed after 2012. That's a huge amount. And so there's really not a lot of examples of these panels going to 25 years, which is what this contract negotiation is going to start out with. I just want us and the council here that you are our representatives, please be bringing those topics up. I know the austin energy leadership team is phenomenal, but I just want to place that in the back of your mind about the reliability of these devices. There's accelerated failure modes that have been developed for these devices, but none of them have really been tested out to 25 years. And a lot of the finances on this contract depend on that warranty and that lifetime, up to 25. So I just want you guys to ask those questions and be our representatives for that. Any questions? Thank you.

[09:43:32]

>> Okay. Thank you. Any questions for staff? Councilmember Riley.

>> Riley: Sure. And I guess we could start with a question that we just heard from the speaker, and that relates to the reliability issue. Much of the solar that's on the ground today isn't very old. What assurances do we have about

-- about solar actually being available during the 25-year lifetime of this agreement?

>> Well, the way these agreements

-- this is Larry Weiss, general manager of Austin Energy. The way these agreements are structured if the energy is not produced we don't buy it.

>> So it's pretty simple.

>> Riley: If all of their panels were to fail. But there are implications for our planning so it would be helpful to be able to make plans for some years down the road. And how can we be confident that any particular level of energy will be coming from these panels?

>> Well, that's a good question because the industry itself, the utility industry, the large scale solar projects that are being deployed in this country and in Europe are all fairly young really so that how long they last, how they hold up and what the material issues are remain to be seen, frankly.

>> Riley: In fact, the industry is still fairly young, even here in Texas. And agreement that we're talking about today will represent a pretty significant step forward for solar in Texas. And could you just provide a little context along those lines? How much solar do we have on the ground today in the state of Texas?

>> I'm going to defer behind me, if I'm off on this, but I think I'm right, in that there's about 130 megawatts around that number inside the ERCOT system that's operating today. Of that 51 is in Austin Energy's service area between our rooftop programs with commercial, residential and the Webberville project that we have out there. So this project will leave Austin Energy to be the dominant owner or user of solar resources as a utility in the state.

[09:45:52]

>> Riley: In fact, if we were to get all 150 megawatts in place, that would represent an increase of more than 100% over all of the solar that's on the ground today.

>> That's correct. And

--

>> Riley: The 130 megawatts you mentioned and that includes everything, utility, solar, as well as rooftop solar?

>> Yes, sir. I'll so it's a very significant step forward for solar in Texas.

>> Right.

>> Riley: And as the speaker mentioned, the prices that we're talking about are very appealing in comparison with the prices that we're paying for other sources of energy. So the question naturally comes up, if we can do that well through purchasing solar, why wouldn't we do more of it? Why would we still be buying any natural gas, coal or nuclear if we can get it more cheaply from solar?

>> Well, there's a couple of things at play. Number one,

-- it depends on your point of view and from a business point of view we really have to be careful about how much purchase power [indiscernible] that we put on the balance sheet of Austin Energy. So while

the opportunity might be there to do more, there's a concern or a caution I raise about how much purchase power agreements we have at play. There's also technology. Who is to say that solar might not be cheaper a few years from now? It may be. So as we entered the webberville project we were at \$160 a megawatt hour. This is, let's say, 50. And what's the future price going to be? So we continue to average down our portfolio and so that would be a reason to be cautious about it as well. And those are the two large things that come to mind to me.

>> And there has been some discussion about reaching some goals that have been stated for our renewal sources, for reenergy in austin and solar in particular. And I just want to make sure that with the utilities consideration of the proposals that we're looking at today, in addition to the other proposals that were received in response to this rfp, did the utility feel constrained by any particular goal that had been stated? Or did the utility use its best judgment to achieve the maximum amount of energy at the best cost for consumers?

[09:48:30]

>> I think that's the key. What we're trying to do, and that is cost. We're making sure that we do not raise our power supply adjustment charge that's on every customer's bill. We want to be sure that any asset that we bring on or resource that we bring on we're real sensitive to that going up. In fact, if -- depending on different scenarios of the ercot market pricing this may actually drop our purchase power supply adjustment charge a little bit. But to emphasize 150 megawatts of solar, there's a small amount of energy that comes out of that because it only comes at a certain point of the day. So this project by itself doesn't do that, but we have as you know a lot of wind projects we've add and a lot of other things that we've added so we've added to our portfolio significantly. And I think after this acquisition, which we started outgoing after 50 and we ended up with 150 because of the attractive nature of it. So that's

-- and that's acquisition that we did.

>> Riley: So you did go beyond the original expectation of 50 megawatts, but you only went so far as was prudent. The utility is not

-- would not recommend procuring anything beyond the 150 that we're looking at now.

>> Not at this time.

>> Riley: Okay. And just to get the sequence of events clear here, this item authorizes

-- we are expected to take action today, but we will again be

-- we will be hearing this item again at the next council meeting, is that right?

>> Yes.

>> Riley: Okay. And that will authorize you to negotiate and execute the agreements?

>> Next council meeting would be to execute the agreements. This is to negotiate today.

>> Riley: Okay. So you will actually bring back the agreements next week.

>> And we'll be prepared to have more detail on what the deal actually is at that time.

>> Riley: So you would be providing a fuller presentation about the agreements next week and this is when we would take final action on these agreements.

[09:50:35]

>> Yes.

>> Riley: If anybody wants any additional information about the agreements how would they find that?

>> They would find that by contacting austin energy and we have cleo and his shop, we would have some details on it. We can do it that way.

>> Riley: At what point will any details be available on the website?

>> Let me turn it over to

-- pardon me? Not for awhile. Not for awhile, the details of the deal. I think what we've done in the past is as we've gone on the wind projects, for example, what we've done is we've entered into negotiations, we get to the place where we execute the agreement and then we've been very transparent about exactly what that is. Because we have the counter party to consider as well. There's some level of confidentiality that the counter party wants as well on the deal until we've signed it.

>> Riley: I see. So

-- but there will be an item posted for action by the council next week and there will be some information about that item available on the city's website when it is posted?

>> Yes. When we do that posting we will do that. We'll put as much in there as we can.

>> Riley: Okay, great, thanks.

>> Mayor Leffingwell: So one quick question. I understand from your staff that there will be no anticipated rate increase from this contract and there might even be a rate decrease as a result of it. Not an actual, but there could be an actual decrease in the cost.

>> That's correct.

>> Mayor Leffingwell: Okay. I'll entertain a motion. This will be to negotiate the contract.

Councilmember spelman moves approval. Seconded by councilmember riley. Discussion? All in favor say aye? Opposed say no? It passes on a vote of seven to zero. So now we go to item number 63. Second and third reading on ordinance amending the code title 25 with regard to accessible ramps.

[09:52:40]

>> Thank you, mayor and council. Greg guernsey. Item number 63 is to approve second and third reading to allow placement of accessible ramps in a required yard set back area. Your public hearing is closed. The ordinance is ready for your action. Very briefly, this would provide for ramps to be constructed in association with an existing single home or duplex. If an individual is disabled and after providing verification of that through an affidavit, a ramp could be constructed that would unlimited in width to about four feet or 48 inches. It would have no roof or walls, but it would have hand railing. It could encroach into a required yard. Both front yard, side yards. And also, provide an opportunity for an additional impervious cover that would exceed the maximum allowed under the base zoning for that district. If we can get the information from the individual and it has those same limitations for the railing. I understand there's one councilmember has a few minor amendments. Staff has looked at those amendments with the law department and we think we could still go ahead and approve this on second and third reading even with those minor changes. They don't have a significant impact on the ordinance.

>> Mayor Leffingwell: Questions? Councilmember tovo.

>> Tovo: Mayor, I would like to move approval and just to emphasize that these are extremely minor

improvements. Last time I made a motion to approve this on first reading only, to allow the planning commissioners who had been most actively involved in working on this issue at the planning commission, I wanted to allow them the opportunity to review some of the amendments that staff had suggested that we accepted and passed on first reading. These were changes that came out of their meeting with city legal and as I understand, as Mr. Guernsey emphasized, they're extremely minor changes and city legal crafted them I believe with the planning commissioners.

[09:54:42]

>> Mayor Leffingwell: Do you move approval with the changes?

>> Tovo: With the minor changes.

>> Mayor Leffingwell: Motion by councilmember Tovo to approve on second and third reading with the changes.

>> Riley: I'd be glad to second that, but I'd like to offer a minor suggestion. Instead of in the last part where we're changing it to access for a disabled person, can we just say access for a person with disabilities instead? That is considered person-first phrasing and is generally considered a preferred approach.

>> Mayor Leffingwell: Councilmember Tovo, do you accept that?

>> Tovo: Absolutely. I think the planning commissioners were trying to achieve more appropriate language, and I think that gets us to an even better place. So thank you.

>> Mayor Leffingwell: Even more politically correct, I got you. Any further discussion?

>> Spelman: Yes, Mayor. Greg, you're still here. I'm happy you are. I've got a question for you. Tell me about the affidavit. What's involved in actually getting one and who does it get submitted to and reviewed by?

>> Right now we have an affidavit process for someone building like an accessory apartment that would be added on to an existing single-family home. It requires someone to just show that they're over I think age 60 or they have a disability. And it's something that we've used actually for quite awhile and I understand that this was actually modeled off of that because of the existing language that was in the code. That affidavit is brought in to the permits

-- my residential plan review area. We accept that affidavit as being accurate. It's a notarized document. We accept that. And then we would issue the permit.

>> Spelman: Do we have a notary on staff? In your department?

>> I don't. It's not necessarily available to the public, but we do certainly have the ability to accept the application. And if it's not complete when it comes in, we can still ask for that and bring that back later. We would still have to have that in order to issue the permit.

[09:56:52]

>> Spelman: So it would be required. We couldn't do that on-site. You couldn't do it if you just walked up to the window.

>> Not at this time I don't own that.

>> Spelman: So I would have to go find a notary, swear out that a disabled occupant access to the

building. And if it's not

-- the way it's written here is it would have to be an occupant of the building would have to be disabled. It couldn't be someone I knew who needed access to the building, someone I was friends with, was my neighborhood. It would have to be an occupant of the building.

>> It was envisioned to assist a person who is residing on the property.

>> Spelman: I'm uncomfortable with the affidavit requirement. And mayor, I'd like to put in a formal amendment to remove section 1 h 1 b, not requiring the affidavit, but simply allowing somebody to build a ramp if they think they need one for whatever purpose they think they need it. For whatever person to get access to whatever person they think they need, whether they're an occupant of the building or not.

>> Mayor Leffingwell: Is that friendly to you, councilmember tovo?

>> Tovo: I think I need to ask a few questions first. So just to be clear, property owners have an ability to craft a ramp to provide an accessible path in. This was an attempt to meet a very specific need, which is one that some of our nonprofits here in austin were encountering where individuals were actually finding it difficult to come home from hospitals because their house might not

-- the impervious cover might be maxed out and they might not have the ability to provide

-- to construct that ramp. It was a nonprofit group that goes in, they construct ramps free of charge, but there were instances where they needed to encroach on the setback or to exceed the impervious cover and they were having difficulty doing that under our existing code. So this was an attempt to

-- again, we have provisions in the code that allow for accessible ramps to be built, but this is very particular in that it allows people to exceed their impervious cover and to encroach on their setbacks. So it's been a kind of careful balancing and I think it's one of the reasons why it was at planning commission so long in that they're trying to really make sure that it's serving the purpose for which it was intended.

While I'm open to considering it, I need to understand why

-- eliminating the affidavit, if that's

-- again, it's modeled after another part of the code and I trust that staff are going to work with the applicant to make sure that it

-- that there really is a need for it. So I'm

-- I believe I would be comfortable with eliminating the affidavit, but you are keeping h 1 a.

[09:59:43]

>> Spelman: Absolutely. H 1 a would stay. I would recommend h 1 b to remove it.

>> Tovo: Mr. Guernsey, could you shed light on what the impact would be? Is it still fulfilling

--

>> there would be less for staff to certainly review. We would not necessarily then be asking that question. Then we would just simply approve a ramp for anyone that may come in that would be making this request. It would still have the same limitations. If you do go forward with the motions, staff would suggest if h 1 b is being eliminated there's similar language that speaks to the deviation of impervious cover, and that

-- I think that would also, under part 2 of the ordinance, paragraph c-10-b, would also need to be deleted if you want to be consistent because part h

-- part 1 h deals with the actual yards or the setbacks. And then part 2 under that paragraph c-10, we're talking about impervious cover, so it would complement each other. Tow mr. Guernsey, I need to ask you about that. Are you saying that the change that councilmember spelman has suggested would actually allow for anyone to construct a ramp? I thought that the

-- I thought he was simply requiring the affidavit? Eliminating the affidavit submittal, but that it would still be tied to an occupant in the house with disabilities requiring that ramp.

>> Well, there would be

-- we would just take the word of the person saying I'm building this for someone who is disabled, rather than actually saying

-- providing a document stating that there is a disabled person on the property through an affidavit. The way it would be written, it wouldn't preclude that from someone just telling me and then we would accept that and go on.

[10:02:04]

>> Spelman: I would be very comfortable, mayor, with an alternative, which is less intrusive, and that would be to say submit a statement verifying rather than an affidavit. This would eliminate the requirement of going to a notary. You simply sign something saying yes, somebody occupying this building needs a ramp. That would be good enough for me. It eliminates the extra step.

>> Tovo: I agree. I think that makes very good sense. So that I believe would just modify h 1 b, but not the other section that mr. Guernsey pointed out. I'm sorry, the same change would be reflected in 10-b, it would just say submit the statement verifying that a disabled occupant requires access.

>> Spelman: Then we can have a form that someone can sign.

>> Tovo: I think that's good. It meets the intent, which is to address this issue of people who can't come back to their residences.

>> Mayor Leffingwell: So substitute a signed statement for an affidavit wherever required in this amendment.

>> Spelman: There being two places. Thank you.

>> Mayor Leffingwell: Councilmember riley, do you accept that?

>> Riley: Yes, I do, but I do have a couple of questions about it. Greg, if someone

-- this is not limited to actual occupants of the building. If I have a family member who wants to come visit me, who has disabilities, then I can

-- then under the language I see here that would be

-- that would suffice because that would be a person with disabilities who requires access to the building.

>> The way the ordinance was drafted it speaks to a disabled occupant. If you want to strike occupant as well, the building is frequented, then that would be an additional change, I think, from the language.

>> Riley: I'm not sure why we would limit this to situations where it's just the occupants of the house because what we heard when we were talking about the visitability ordinance, it's not just the residents, but it may be visitors who have disabilities. Seems like if you apply that same rationale we wouldn't be limiting ourselves to occupants.

[10:04:10]

>> If I may, we were just addressing the original resolution by council where I think the Texas Ramp project, which is a nonprofit group, was building ramps for individuals that were recently disabled that might be coming out of a hospital or something. And they were encountering a problem with my office because I was saying they had to comply with setbacks and they had to comply with impervious cover. And so I think that was the original intent. We have the visitability ordinance if someone is doing a remodel or doing reconstruction that would affect individuals residing on the property or individuals you visiting a property, but I think this particular amendment was to address the issue of the Texas Ramp project coming to the city and saying, we just need some help for those

-- we're trying to get something in quickly and cheaply.

>> Riley: Sure. I understand that and I understand why this is a good thing. It seems to me we could make it even better simply by extending the same benefit to visitors as to occupants.

>> Tovo: Mayor?

>> Mayor Leffingwell: First, do you accept that part and you're proposing another change?

>> Riley: It gets to the root of what I was asking because I'm not so sure why we're placing hurdles on the placement of ramps. And councilmember Spelman, when you first raised this, I thought that part of the advantage was that we would be simplifying the whole process, putting less of a burden on those who wanted to place ramps and the staff who have to review this application. So I actually liked the fact that they wouldn't have to file anything, making any particular statement. That it would just be a streamlined process and we would be getting more ramps in place and the very minor loss of the required yard space would be offset by the social benefit of getting more ramps in place for the benefit of visitors as well as occupants. So I

-- I would be more supportive of an amendment that would eliminate any requirement to file anything and would extend the benefits to visitors as well as occupants.

[10:06:15]

>> Mayor?

>> Mayor Leffingwell: Do you want to propose that as a new friendly amendment? You can propose that?

>> Riley: I'll propose it.

>> Mayor Leffingwell: Does the maker accept that?

>> Tovo: I'm not going to be able to support that and let me explain why. As the sponsor of the resolution that gave rise to this, I'm also conscious of the fact that this is not without controversy and it's been months really in process because there are

-- there were concerns about allowing

-- creating something that is allowing an exception for setbacks, encroachments and impervious cover.

As I mentioned, it spent a good long time at the planning commission and they vetted it and my staff has been in communication with a couple of the planning commissioners who were most involved and in pretty regular contact with our legal staff and with some of the nonprofit builders of ramps in our community. And this really

-- what we have here is really a compromise between people who are concerned about ramps being constructed for skateboarding and really making sure that this is fulfilling the purpose for which it was designed, which is to meet the needs of Texas Ramp Project, which contacted all of our offices almost a year ago and said, we've got individuals we can't bring home because code compliance has red-tagged our ramps.

-- Red-tagged our ramps. I'm not saying I would never be open to that, but I would prefer we pass this as it is here today, keeping it as occupants, removing the hurdle of having a signed affidavit because I agree for all the reasons you've said we need to facilitate this, and maybe finishing this today, but asking the planning commission to consider whether it should be opened up to facilitate a broader group. So if you have

-- I understand the social benefit. If you have a regular visitor who is

-- who needs access to a structure with a ramp, then that might be a really good reason for an impervious cover to be made to

-- an exception it to be made to impervious cover and encroachment. But I feel uncomfortable given the public process that's proceeded this and the various wings and compromises, I feel uncomfortable doing that here on the spot with the public hearing closed.

[10:08:35]

>> Mayor Leffingwell: So councilmember, if you want to propose that as a regular amendment, I would happily second it.

>> Riley: Before I do that can I ask one question? I'm trying to get at the underlying problem. I'm trying to envision a situation where someone would be trying to get away with placing a ramp when they don't really need one. What is the evil we're trying to avoid by placing these requirements that you must file a signed statement? Are we really worried that someone is going to sneak in a ramp that is not necessary? Why would someone do that unless someone genuinely needed access to the place? It seems like the only reason you would go to the trouble of placing a ramp is because someone needs access. So I don't know why we would need to require them to file a statement saying they need access because otherwise why are they there? I guess I'm just trying to get at the underlying concept. What's the problem we're trying to solve?

>> Mayor Leffingwell: I think that's our problem right now is the bureaucracy is so complicated you can't build a ramp in your backyard. And I think whenever we have opportunities to correct that kind of thing, we ought to take it. And that's why I would support it if it were an amendment on the table.

>> Tovo: Mayor, let me ask you a question a second.

>> Mayor Leffingwell: Hold on a second. I think

-- all right, councilmember Tovo, go ahead.

>> Tovo: If I could, again, we're not creating a provision for people to build a ramp, we're creating an exception by which they can build a ramp in places that we typically wouldn't allow that kind of construction and we are allowing them to exceed their impervious cover. So I don't want anybody to misunderstand and think that we're

-- we have an extensive bureaucratic process to prohibit people from creating ramps, but we are in essence trying to do something to create an exception for people who really need it and not opening it

up for other kinds of uses like a skateboard ramp. Those are some of the concerns I've heard that this could become a loophole for other kinds of structures that are exceeding impervious cover, are now in a setback, encroaching where we typically wouldn't allow encroachments and are not going to be used for the intended purpose, which was really to meet a very particular need.

[10:10:42]

>> This is just for accessible ramps, not for any kind of other construction, correct? Yes. It's just for ramps.

>> Spelman: Mayor?

>> Mayor Leffingwell: Councilmember spelman.

>> Spelman: Greg, how

-- one of the reasons why I didn't address it

-- I had exactly the same concerns councilmember riley did, but I looked at the word occupy and I thought does occupy necessarily mean full-time resident of a dwelling or could it be somebody who is temporarily dwelling there. The reason that was the catch point for me is I can easily imagine how my mother or father might go to the hospital, come back in a wheelchair and I might need to construct a ramp in my backyard for them to live with me for a few days until she's out of the wheelchair, but she would not be a full-time permanent resident of my dwelling, she would be a temporary occupant of my dwelling. How is occupant defined in our code?

>> That might be a matter up for 5:30 today. Generally we're talking about it doesn't really speak to a length of time within the ordinance. So this ramp might be there for quite awhile. It really speaks to the individual that is coming in to this dwelling unit that has this disability. And certainly if it was opened up to be more than just the occupant, whether they're disabled or not or somebody visiting, I could see certainly a value of someone who is disabled coming to the home or someone who is just elderly that's not necessarily disabled that would find a benefit to this. But as a resolution was presented and as staff understood, this was particularly defined direction to staff that we were trying to address more of a temporary situation where there would be an exception to regulations. Certainly you could build the ramp at any house in austin if you comply with impervious cover and setbacks. So occupancy in this case I don't believe the ordinance specifies a particular period of time it just speaks to that disability at the initial time you come into my office and there's a need.

[10:13:02]

>> Spelman: So, for example, if my mother were staying with me for two weeks until she was able to get out of the wheelchair and didn't need the ramp anymore, she would be

-- I could in good faith sign a statement saying there will be an occupant of my house who needs this ramp. It's only for the the next two weeks. She needs it partly for the wheelchair, partly for occupancy, but I could still sign that statement. Is that accurate?

>> And whether that ramp remains or is removed, there's not a procedure that I have within the code or that code compliance department would come out because there's already been a statement made that there was a need for this and we acknowledged it upfront that ramp would be built and that would be

the end of it.

>> Spelman: And I would not be violating any technical definition of the word occupant. There's nowhere in the code where it says occupant means somebody who permanently resides in a particular residential dwelling?

>> Well, the ordinance as written speaks to the occupant would be someone of that dwelling. How long they're there, whether it's one month or one year, it doesn't really speak to that at all.

>> Or one hour.

>> Spelman: I wasn't going to go there, mayor. But it does sound like there's enough flexibility in the word occupant and because it did not say the word resident, which I think would be commonly believed to be someone who is a full-time permanent resident of the dwelling, occupant seems to me to be sufficiently flexible to include the case I'm most concerned about, which is people who have to stay someplace for a short period of time before they can go back home. Which I think is completely consistent with the needs of the ramp people. Councilmember riley has a comment, I think.

>> Mayor Leffingwell: Councilmember riley, go ahead.

>> Riley: And I am interested in a couple of things. For one, what if your mother just wants to come for lunch every sunday afternoon as opposed to a couple of weeks? It seems to me it would be appropriate for us to allow the placement of a ramp in a setback just for that occasional use. And that leads me to a somewhat different question. Greg, you mentioned that once the ramp is there that's really the end of the story. So after a ramp is placed through this process and the building changes hands and you have a whole new set of occupants, is there any

-- is there then any requirement for them to file statements just to keep the ramp? Or would that ramp -- could that ramp stay therein definitely?

[10:15:28]

>> Well, the way the ordinance is written you would still need a statement saying that there is someone -- there's a disabled occupy that requires accessibility to the dwelling. So if -- I guess if someone moved out and there is a new tenant in that home or new homeowner, I could envision somebody maybe asking that question in the future if there's a question about that. A bunch of state boarders going up and down using it and some sort of ramp and that caused concern about the neighbor next door. I guess someone could call code compliance and ask that same question, is the statement still an accurate statement because you've given something to the city saying there's still a need. There's a disabled occupant on the property. And that's the only place I could even imagine this might come up.

>> Riley: And if you didn't actually have a disabled occupant at that time the city would make you tear that ramp out?

>> Yeah, they would remove it.

>> Riley: And I question how much sense that makes given the whole discussion we just went through promoting the placement of ramps on all houses. I think

-- I would like to offer

-- this is up for second and third reading. Since the posting language is fairly broad, I would like to offer just on second reading only a different approach that would allow the placement of ramps in the

setback without the filing of any statement and without the requirement

-- without any particular requirements on the occupants, it would simply allow the placement of ramps in a setback. And I realize that that is not the process that was agreed

-- that was not what was discussed during the process, and the reason I suggest we only do that on second reading is that to the extent that people

-- there are good reasons why

-- to be concerned about skateboard parks turning up in people's setbacks, then we will have a chance to hear about that before third reading. And

-- but it seems to me that we would be serving the interest of promoting accessibility and reducing administrative requirements, administrative burdens on property owners as well as

-- as well as staff if we just simplified the whole process and just allowed the ramps in the setbacks without

-- without placing any hurdles in the way of placing or maintaining those ramps.

[10:17:55]

>> Mayor Leffingwell: So is that an amendment by councilmember riley for second reading only and have no statement required and no occupancy requirement?

>> Riley: Right.

>> Mayor Leffingwell: And I will second that. So we have an amendment on the table. All in favor of the amendment say aye?

>> Aye.

>> Mayor Leffingwell: Opposed say no.

>> No.

>> Mayor Leffingwell: I believe that passes on a vote of five-two with councilmember tovo and councilmember morrison voting no. Mayor pro tem also voted no. It still passes on a vote of four-three. Councilmember tovo.

>> Tovo: So mayor, I would like to ask that we also reopen the public hearing in case there are individuals who want to come speak to that point. Again, I understand the concerns and yes, we did have an extensive discussion about visitability and I was very supportive of all of the provisions we had in there, but as you'll remember, the no step entrance was not in excess of the allowable impervious cover on a lot. And we can make jokes about skate parks appearing in people's setbacks, but impervious cover limits are there for a reason, as are setbacks. And these offer protections really for all of our neighborhoods throughout the city. So they're not

-- it's not a simple matter to people who have made major investments in their properties, major life investments in their properties. So with that I would like to make a motion that we reopen the public hearing to allow for that comment if people have concerns about this.

>> Mayor Leffingwell: So I guess that's an amendment to the motion.

>> Tovo: I will accept it as friendly. [Laughter]

>> Mayor Leffingwell: Do you accept that as friendly, councilmember riley?

>> Riley: Sure. Just reopening the public hearing, sure.

>> Mayor Leffingwell: Okay. So we're back to the main motion as amended by councilmember riley's

amendment. All in favor of that say aye? Opposed say no? It passes on a vote of seven to zero. Second reading. With the hearing reopened. All right. So I believe that takes us to item number 72.

[10:20:13]

>> Case 72 is case c-14-2013-0081. This is a zoning change at 517 east oltorf street for the apoe stole lick assembly faith in jesus christ church. The property is currently zoned single-family residence standard lot neighborhood plan or sf 2-np. And the applicant's amended request today is for general office neighborhood plan. Originally the case was filed for a gr community commercial district zoning. The planning commission has actually recommended denial of that gr-np zoning. But the applicants did amend their request to g.O. The property right now is used for a religious assembly use and consists of three buildings. There's a desire by the property owner to add a community room to the property. Right now to the north is oltorf street, some retail office, some auto-related uses, restaurants, convenience store. To the south is duplexes, long bow and some single-family residences. To the east is sherwood street and duplexes and single-family residential. And to the west are apartments. And then further west are fast food, auto shops and a shopping center. There is opposition to the zoning change request by both the south river city citizens neighborhood association and greater south river contact team for this area. It does not require a change to the future land use map. It is designated as a civic tract and that's what this use is. Staff did recommend the request prohibiting certain uses such as medical offices both general and limited, college and university facilities and hospital services, general limited. Limiting the trips to only being 1,100 vehicle trips each day and such time as along the pavement. Sherwood is wide to a 30-foot street or through a co district public covenant and any conditions of the transportation nta, neighborhood traffic analysis, be included as part of the restrictive covenant. This is only ready for you for first reading. If you consider this, again, the planning commission did recommend denial of this case on a seven-0 vote. I'll pause if you have any questions. I believe you have several residents that are here to speak to this item, and also mr. Bennett, jim bennett of jim bennett consulting is the applicant and will speak on behalf of the property owner.

[10:23:05]

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: You mentioned that a flum change is not needed

-- a flum change is apparently not needed because we don't have one here. The flum lists this as civic. If it changes to office

-- what is the zoning again?

>> It's single-family right now and sf 2 district. The proposal is to go to office g.O. Zoning although staff is recommending we're actually prohibiting medical office, general office.

>> Morrison: So the strange thing is that we don't have a flum change because it's still civic. And then let's say

-- and I know this isn't the plans, but let's say down the road the church sold to somebody that was not going to use it as civic and wanted to put in an office

-- something under g.O. The flum still says civic, but there's no zoning change at that point. So how does

that work?

>> Then they would be allowed to do office. There's other types of office besides medical. There's administrative business and there's professional office. I know I think the applicant maybe actually is going to speak to some of that during their presentation, but flum doesn't regulate land use, zoning regulates the land use. So if the zoning is in place, zoning controls.

>> Morrison: Right. So if we had a situation where somebody just wanted to come in and change it from sf to use office as office and it wasn't a church, they would also need a flum change right now.

>> They would. And what you could do is you could also prohibit office entirely. You could say no professional office, no administrative business office, and no medical office. You have cases where people have done that in the past where people have needed a day care or school, but needed multi-family zoning for greater development intensity and we've actually prohibited condominium, townhouse and multi-family. So that use could still continue on and have a slightly larger day care or slightly larger school. So it is something that the council might consider.

[10:25:19]

>> Morrison: Right. I guess the concern is that generally if you're really going to be changing a use like that, the flum gives the opportunity to really talk about whether or not that sits within the broader scope of the future vision for the community and because of the unusual circumstances here, we lose that opportunity. So okay. Thank you. I just wanted to make sure we understood that.

>> Mayor Leffingwell: We'll have a presentation from the applicant. Set the time for five minutes.

>> Mayor, city council, I'm jim bennett and I'm here today on behalf of the church's request to rezone the property. As mr. Guernsey indicated we originally filed an application for gr so that we could increase our impervious cover. The church was built originally in the late 50's before there were impervious cover requirements at the city. It is zoned sf 2 which limits us to 45%. We're well over 45%. In fact, we're about 69% impervious cover. After hearing the neighborhood's opposition, the planning commission's opposition, the staff's recommendation for g.O.-Co, then we modified our application to go with g.O.-Co. Additionally, we will agree to also prohibit professional offices and business and administrative offices, so if you add that to the list of the staff's recommendation, there is not a lot else you can do in the office district. There are a few other uses. So we think that that gives some assurance that any other thing

-- change would have to come back before you for

-- to remove the co as well as perhaps a flum amendment because as indicated the flum amendment does show it to be a civic use and we wish to continue the civic use. We can't tell you what may happen 20 years from now, and that way it's got the insurance that it would have to come back before the council. Additionally, single-family dwelling is not necessarily appropriate zoning on a major arterial such as oltorf. I believe between congress and i-35 there are probably four pieces of residential property that front on oltorf street. So it's external not a residential street.

[10:27:56]

-- It's certainly not a residential street. Relative to the single-family across the street, the church owns

three of the houses. One is occupied by the pastor and the associate pastor, and they do rent one of those houses out that's on the east side of Sherwood. Immediately to the west we have the MF 6 multidensity apartment zoning immediately adjacent to us. And due to an elevation change, they probably have 65 feet above our location. Our intent is to use it for -- to increase the size of a fellowship hall that's currently there on the church. It's a small fellowship hall. We don't think that this is going to be a major margin increase our congregant members that are coming to the church because of this addition that we're proposing. We do not have a problem. I do not believe -- I've not heard of one -- relative to parking on the church site, which is something that you usually hear at council. We have sufficient parking to accommodate us. We do not want to lose any of that parking because we think we need it or may need it. And so therefore we don't want to reduce the impervious cover over here and try to do something else over here because that would be to eliminate some of the required parking. I think with the conditions that you've since just learned, I think that addresses a lot of the concerns that the neighborhood association has indicated that they have. And that's South River City neighborhood letter there I think you have in your backup. [One moment, please, for change in captioners]

[10:30:32]

>> based on that we wish you would consider the zoning to we can consider the addition that was proposed with the conditional overlays that have been offered both by staff and us. Thank you. Questions of the applicant? Ready to go to your on -- council member Tovo?

>> Tovo: A quick one, Mr. Bennett. I'm looking at the South City citizens letter and they're talking about existing impervious cover as being noncompliant. What is the impervious cover at this point on the site?

>> It's about 69% existing. And that's because it was built prior -- you know, -- Chapter 45 and that kind of 6 of -- kind of thing and they didn't have impervious cover.

>> But they're at 69% impervious cover and the requirements --

>> yes, ma'am.

>> Tovo: On that tract -- so they're quite a bit over the impervious cover requirements.

>> Exactly.

>> Tovo: I heard you address the parking suggestion, but I need to ask it again because I missed part of your point. They are suggesting that you build the proposed structure that -- that the owner build the proposed structure on the existing impervious cover, and I think that I heard you talking about was -- one of their suggestions is on the parking lot. Can you tell me why that's not a possibility?

>> Well, we don't want to get rid of any of our parking, create a parking problem either now or in the future, so that you have parking up and down the streets. Is one reason. Additionally we were looking at perhaps making a second floor addition. Then you run into the issue of older people trying to get to the

second floor. If you change the classrooms to the second floor and the older people -- not necessarily older people, the people that are going to function in the fellowship hall not being able to go up or the children having a problem on the second level and then having to come down in case of emergencies. So rather than to put it on top of the existing buildings, increasing the height we're proposing to build it at ground level. We've got the architect, but we're looking at probably 4,000 square feet in addition to the church.

[10:32:54]

>> Tovo:4,000?

>> Plus or minus a little bit. We don't have the final plan.

>> Tovo: What does that bring your impervious cover to?

>> I'm sorry?

>> Do you know what that brings your total impervious cover to?

>> It brings up to about 70%.

>> And how much parking

--

>> I'm sorry, not 70%, 80% or something

--

>> 80%?

>> Yeah.

>> What

-- how much parking do you have right now? Do you know how many spots you have?

>> I think there's 60 spots.

>> Tovo: And how large is the congregation?

>> It's about 200 members.

>> Tovo: And what's your regular

-- what's the regular attendance like on an average sunday?

>> Council member, I'd probably

-- the pastor is here and he could more appropriately answer that question than I could.

>> Tovo: Okay. Great.

>> So I would defer, if you don't mind.

>> Mayor leffingwell: Council member riley.

>> Riley: Mr.-- The letter from the south river city citizens has indicated the applicant was not only motivated by the church's existing needs but you also claim to be looking out for the potential future uses of the site, which included the possibility of a sale or redevelopment. Is this about upzoning your property so it could be resold for some other development?

>> We were certainly looking at the future of the property inasmuch as it does front oltofr, but since we've gotten into this and had more time to explore it, our concern not really what may happen 20 years from now. Our concern is for the church and civic use that's there now. If someone

-- indicated earlier, if you get the initial overlays prohibiting pretty much everything in the office zoning, anything else is going to have to come back for retail or office

-- pretty much anything else would have to come back before you. We certainly didn't want to just do a limited zoning change for the same process and everything, so we're looking at the future, but there is no plans that the church has for selling or anything else.

[10:35:04]

>> Riley: Okay, because the property that

-- nothing we do with this

-- with this

-- on this case would result

-- as requested, would result in having the property fully entitled for some other use, because what you're saying is that

-- some other use would require council review.

>> Yes.

>> Riley: And approval of some change, including a change to the future land use map for any

--

>> that is my understanding.

>> Riley: Okay, thanks.

>> Mayor Ieffingwell: Council member spelman.

>> Spelman: This can probably wait but here you are and we're already into it it so I might as well ask you. It seems to me

-- I'm looking at an aerial map of the site now. If you wanted to build a fellowship hall that's bigger than the one you've got, the easiest thing to do of course is put it on your parking lot and cause to you lose parking spaces, and I understand you don't want to do that. So you want to reduce your impervious cover but the only change you really need to build the fellowship hall right now is not a change in zoning, it's just a change in impervious cover. Is that right?

>> Yes.

>> Spelman: The simplest approach to that would be to go to the board of adjustment and ask for a change in impervious cover, wouldn't it?

>> Well

-- I have to be diplomatic here. No one can ensure what the board of adjustment may do.

>> Spelman: Of course not.

>> But usually you're showing a hardship reason as well as minimal departure from the code. So if I went to the board of adjustment I would presume that I'm allowed 45% and here I am at 70% and I want you to give me another 10%.

>> Spelman: Okay.

>> That's not

-- not a good case.

>> Spelman: If we're talking 45 to 50% with the support of the neighborhood, that would be a much easier case to make. From 45 to 80%, even if the neighborhood is supporting you that's a very good row to hoe.

>> I would not like to make that bet.

>> Spelman: I see your point. Thank you, sir.
>> Mayor leffingwell: We're out of speakers in favor. Frank
-- we're now to speakers in favor. Frank balboa?

[10:37:12]

>> Mayor, council members, my name is frank balboa. I am the pastor of al stolg a
-- apostolic assembly. Our request was very simple. We do have a fellowship hall. At the present time it's
not big enough for weddings or any kind of other type of functions. It's a very small place. We've had our
property for 16 years, and I understand a member
-- mr. Riley asked about selling the property. I don't know whose idea or where it came from, but we're
not thinking of anytime soon. We plan to stay there. All we're asking ask enough room to make an
addition, and it's not as big as mr. Ben had said. It's around 2,000 square feet or a little bit over that. But
that's really our request, just to give us an opportunity to make an addition to the fellowship hall that
we have. I know there was a question regarding parking. We have over
-- over 75 parking spaces in our church, or close to 80. Our membership, actual members, are about 150
members, and we can get up to 200 if we have visitors during sunday. But that's really all I have. I don't
know if you have a question.

>> Mayor leffingwell: I think council member tovo has a question.

>> Tovo: Thanks for that clarification about your parking. I think I heard you say you have 70 spots, 150
members, and what is your

-- I know you said you can get up to 200, but there's

-- most congregations have variation in that. Do you know what your average attendance is, sunday to
sunday, not holidays?

>> Well, it varies, you know. Like I said, we do have 150 members. And a good sunday we could have
180, 200, sometimes less than that. But it does not go over 200.

>> Tovo: Is it one service or two?

[10:39:13]

>> One service.

>> Tovo: Okay. Thank you.

>> Mayor leffingwell: Next speaker is justin gesh. Justin gesh.

>> [Inaudible]

>> mayor leffingwell: Okay. Last speaker for is michael antinora.

>> That's right.

>> Mayor leffingwell: Do you want the additional three minutes donated to you? By justin

--

>> [inaudible]

>> mayor leffingwell: Do you need the additional three minutes?

>> Yes, please.

>> Mayor leffingwell: You have up to six minutes.

>> Yeah, I think I might but I'll try to keep it brief. Council members, thank you for your time. I appreciate you considering pastor balboa's request. I'm michael antnora, antnora architects. I recently started working with the pastor trying to assist them in getting this addition. The

-- I'm going to go over as many things that jim already covered. The reality is the church was built in 1959 before zoning. The zoning applied to the site decades after construction of the church is sf-3. Yet the vast majority of the property is fronting on the oltorf, as this one does, are commercial or multi-family. And on this graphic here you can see the site is the one that's x'd out. If any of you know the stretch of oltorf between south congress and i-35 it's very, very commercial. The future land use map listed the property as civic. Therefore the go zoning that has been requested is very appropriate for a church in its present use. The main issues driving the discussion here, I believe, for the zoning change are impervious coverage as well as the concerns of the neighborhood for the immediate and future impact on the neighborhood and the creek. The reality of this is that as pastor just said, the church really just wants to add an addition, and it's not a very large one. If you could go to image no.2, please. Again, the site is

-- the small x there is the approximate 2,000 square foot addition that they're looking for, and right now they are adequately parked. The

-- on a sunday by sunday basis the cars are not parking in the neighborhood, they are all adequately parked on to the site. So parking is not an issue. Runoff is an issue that has been expressed by the neighborhood, and it's a reasonable one. There is a large parking area generated from the multi-family to the west, and a lot of the runoff that crosses pastor balboa's site is actually generated by the larger multi-family. And actually if you were to study this image you'll actually see there's a black stain along his parking lot that cols out from the rei think

-- cols out from the retaining wall next to the property across his property there. In response to that in discussions with council member riley, the church has agreed to capture all of the rainwater off of the new addition and use that to irrigate landscaping. Further, the church has agreed to employ a bioswale or rain garden device to filter the water leaving the site that perhaps would go into the creek nearby as a means of using the filter media plants and landscaping to try to capture some of the oils and contaminants that might be on the site. It's my understanding from the pastor balboa and mr. Bennett that in their discussions with the neighborhood, the neighborhood was in favor of the addition to the building but not in favor of the zoning change. However, the challenge then becomes that the impervious cover

-- impervious coverage issue because sf-3 has a impervious coverage allowance of 40 but we're at 65%, so we're throwing into a board of adjustment and I agree with mr. Bennett totally, that first that would be a very difficult case to make where you're asking for almost 200% of the impervious cover but the second thing is that's difficult to prove that's a hardship. So the main thing I look at is geo is appropriate because of

-- its consistent with the current use which has been there since 1959. It's consistent with the building improvements that have been there since 1959, and it's consistent with the flum, which asks for that

-- or indicates that that should be

-- that that should be a civic use. So I believe that the

-- the applicant's desire to change the zoning actually fits better with the planning methods that are being applied to the site rather than trying to ask for a variance, and if they want to do any other

improvements or any other changes it would be the same issue. They have a contradiction with the sf-3 zoning. So my belief is that it would be better to change the zoning to the appropriate one and put the limitations that the church has agreed to, which is limiting medical office and administrative office, which really, really does strictly limit the use of this property, and then causes any future developer or buyer of this property to have to come back to council or planning commission to make their case about why they should be allowed to do something that's outside of the restrictions that are placed upon it. From an architectural standpoint I think that actually makes this possible. The last thing to consider is, like most churches, when churches outgrow their church, they usually don't try to expand. They usually simply go find a larger church and then another church that's growing comes in and fills their place. That's typically the way it works. That's the way this church worked. I know there was a lot of discussion about hyde park baptize. They're an

-- baptist. They're an exception to the rule. Most churches don't have the wherewithal to do what they do, most churches move from place to place to place. So the fear of this being something else is not necessarily applied to the church use or growing. Lastly, if you stop and consider about the potential for office use, if

-- they want to use this as an office and they wanted to disturb more than 3,000 square feet, that in effect throws them into a full site plan. An administrative change can only be done if they use the buildings as is and don't disturb more than 3,000 square feet or add more than a thousand square feet. So the site plan exemption process also gives the neighborhood another chance to come in and show their opposition if they don't like what the potential future use might use. So that's basically all I had to say. Questi questi ons? Thank you. Go to those signed up against. Ken enschultz?

[10:45:33]

-- Anschutz.

>> [Inaudible]

>> mayor leffingwell: How about ellen ward? Is ellen ward here? All right. Mark davis and kent anschutz is donating three minutes so you have six minutes.

>> Thank you, mr. Mayor and council members. My name is mark davis. I'm the

-- as recently the former president of srcc neighborhood association. But I was president when this issue came, and I'm staying on the zoning committee and working with this issue as it goes through. You know, I was honestly surprised when this case came to the planning commission because I felt like we had really a reasonable set of compromises when they originally came to the neighborhood association. And as you read in some of the stuff in your backup, you know, we

-- we considered the case originally. We were supportive of them wanting to put in place a fellowship hall, and we felt that we provided a pretty good compromise by telling them that we're going to oppose the upzoning but support them in an effort to get a variance for their

-- for their impervious cover. And yeah, I mean, srcc voted for a variance. I know you're pretty surprised by that. But the reason was we felt like there was a win-win here. We felt this could be a situation where we could get some water quality improvements in return, you know, for

-- for them being able to get some of the enhancements to the property that they want. And it avoided all of the potential ramifications of upzoning from sf-2 to gr, which was the original application. As

you're

-- as you're hearing, there's been a lot of horse trading going on here. We honestly have not heard any of the proposal/counterproposals that were just explained to you on the dais. So a lot of this is new to us. Some of them came from our

-- you know, our concerns and recommendations, but up until this moment we had no idea what these plans were. You know, so I'm still left with a little bit of concern about this because I do believe that sitting there and looking at a variance application and saying, well, we don't think that that's likely, it doesn't seem to be a full faith effort there, nor does the, you know, complete lack of considering using some of their existing impervious cover. We have an engineer in our neighborhood who looked at the site, used his mapping software and feels that they're actually more at 83% versus 69%. And so the notion of upzoning them to go wouldn't even

-- they'd still need a variance if they were going to go beyond 80%. So fundamentally one of the concerns we have here is that we've been shown, as you saw, a little sharpie outline [chuckle] of what the proposal is. There's no details about what this plan is. We have no idea. There's a lot of talk. Somebody says it's 4,000 square feet, somebody says it's 2,000 square feet. We have no idea. And to be asking for a massive upzoning for this kind of development is

-- I don't think that's fair. I don't think that's fair for the neighborhood to go through and evaluate, and I don't think that's fair to the neighbors next to it, to understand, you know, what the possible ramifications are of this. So we're here again to argue kind of the same points that we've done before. We believe the applicant still has multiple, you know, options for building their desired community center. They could, you know, pursue the variance or they could build it on their existing impervious cover, which is massive. You've seen the picture. The whole site is almost all impervious cover and they want to cover up more of the grass. They

-- they're asking for a very, you know

-- a very substantial upzoning. Now, these new restrictions that they proposed are new to us, and we realize that that is a difference, but up until now we had no idea. They have

-- we don't have any plans to look at and to

-- you know, to understand what's going on, and this would potentially put them in

-- if this were to happen, future development of this site, despite what I know that their intent is, could, you know, be used to develop something that is inconsistent with the flum, and that is another concern that we have for granting zoning at this point and just letting it

-- letting it ride, right? So in summary, we're concerned about the true purpose of this. We've been through this many times in our neighborhood where one

-- the owner of the property or the prospective buyer of the property tells us that plans, even sometimes to the nth detail, gets the zoning and everything changes and we're back to considering everything

-- a completely different development. We're trying to avoid that. So we feel that the planning commission saw this, saw that granting this zoning was not appropriate based upon the needs when there were multiple opportunities to get what they claimed to want, and they voted unanimously to oppose it, and we're asking you to do the same. So

-- any questions?

[10:51:01]

>> Mayor leffingwell: Mayor pro tem cole.

>> Cole: But you're not contending that what they are saying they're going to do with the fellowship hall is against the existing flum agreement?

>> No, no, and that's why we supported, you know, their efforts to do that. What we are opposed to is gran upjoining just to accomplish that when we think there are two reasonable options on the table to get what they want.

>> Cole: And you said that you wanted the water quality improvements.

>> Yes, and that was our

-- that was kind of the win-win solution. So if one of the

-- one of the possible solutions was to support them in the variance. We thought it would be reasonable to ask for them to increase some of their water treatment and management on the site, and we thought that that would be, you know, little to no impact to the cost but a huge benefit to the neighborhood, because the site directly drains into the creek.

>> Cole: Okay. Thank you.

>> Mayor leffingwell: Council member spelman.

>> Spelman: Mr. Davis, I wonder if you could be more specific about the water quality improvements. What specifically are you looking for?

>> It's in

-- and I don't have it in front of me but we have an engineer in our neighborhood association who sketched out a set of things, and I don't have it in front of me, I'm sorry, but it probably is in your backup. I'm not sure. The original letter that we sent outlines a few of the things that we were asking for. So, you know, it's just

-- it's mostly runoff containment. Mm-hmm, there it is, thank you. To

-- yes, so provide 100% water quality treatment discharge from the site, provide storm water controls, less than the peak rate, i.E. If it it were compliant with the coverage for the zone. I believe those were the two major things. Sorry

-- for new impervious cover, increasing impervious cover beyond existing

-- or an area of impervious cover, 100% treatment by on-site filtration. And the engineer that did this said this is very accessible stuff to do.

[10:53:07]

>> Spelman: Your engineer believed they could do that, even if they broke into their impervious cover and lost 10%, they'd have enough impervious cover to do this?

>> I'm sorry, what was your question again?

>> Spelman: They're talking about increasing the impervious cover from around 69 to around 80%, leaving only 20% left to play with things like this. But did your engineer believe, with the 20% impervious -- pervious cover remaining they could still do this?

>> He

-- he had done different calculations. He has his own software and he looked at it and he believed that

the existing impervious cover is much higher than 69% so what he proposed, I believe, would -- you know, would work for the end result, which he estimated would be more closer to 85%. Which begs the question, what are we building, how much will this actually increase? Will we go through an upzoning and give them the 80% impervious cover and be back at the board of variance around this issue.

>> Spelman: That. And your engineers had a chance to talk with apostolic too?

>> Yes. And we had them at the meeting when we proposed these things, and then since that and since the planning commission we've had no contact from

-- from the applicant. So while we're kind of pleased to hear some of the progress and some of the proposals that they're talking about, it's kind of hard to consider them with only a few minutes and -- you know, listening to them up here in the microphone.

>> Spelman: I understand. Thank you, mr. Davis.

>> Mayor leffingwell: Council member morrison.

>> Morrison: Thank you. Also in that letter that you were referencing, you all talked a little bit about why you thought there was a hardship, because obviously there's a high bar to get a hardship approved.

>> Sure.

>> Morrison: Can you explain a little bit about that, or should that be somebody else?

>> Yeah, that's

-- unfortunately I don't believe the person is here, or anybody

-- is anybody here that can speak to that? Unfortunately I don't believe I have the background data to tell you that.

>> Morrison: Okay, but the letter does talk about

-- let's see, it says their facility is not

-- does not include a meeting hall, which is a privilege enjoyed by nearby

--

[10:55:15]

>> right. Right.

>> Morrison: And storm water controls would create greater overall

-- I guess that's not a hardship. Okay. Well, I appreciate that, and I think that's important to topay attention to, and I think it's great to see srcc really coming forward and stepping up and saying we really do believe that this is a variance that is worthwhile. Let's see. Of

-- I guess I'm not sure of what the

-- what the offer is on the table right now either. It's a little

--

>> neither do we.

>> Morrison:

-- Hard to keep it all straight. Do you think that

-- I mean, I'm troubled by the whole issue of the flum and whether it really makes sense

-- I would want to see whether it really makes sense to have office on the flum, and I'm not sure that it does. I was just looking at the flum. So that's problematic to me, which would still remain even if you all

sat down and sort of hashed through limits on uses of things like that. But do you think it's worthwhile sitting down and trying to grapple at the table with what they're suggesting now?

>> We do have with us people who are much more

-- who went through the whole neighborhood plan process and can speak to that specifically. You know, in general I think that the neighborhood likes to have its say at the appropriate time, and I think the concern around, you know, making these negotiations at this point without knowing what the -- you know, what the future is concerning, because it potentially makes it so that we don't have a save further down the line. And I think that that is the crux of, you know, our concern. Whether or not we can, you know, have more conversations about this, I believe we could. I just don't know where we'd end up.

>> Morrison: Right.

>> And I think that this whole discussion comes down to what is the

-- what is the true intended purpose here? Because we do have two very viable options for them to pursue before we get to a situation like this. And that's why I'm

-- you know, we would have hoped that those would have been explored more fully before we got up here.

>> Morrison: Yeah, and I'm getting a little

-- I guess I'm just trying to get a sense of whether philosophically you're against this as a zoning change independent of what conditions, or you think that you and your colleagues might be willing to sit down and talk with them.

[10:57:31]

>> I think we could sit down and discuss it. I think it's

-- yeah, it's hard to make a judgment right here, for sure.

>> Morrison: Okay. Great. I appreciate that. And I'm sure others that are coming up could chime in on that too.

>> Thank you.

>> Riley: Mayor?

>> Mayor Ieffingwell: Council member riley.

>> Riley: Mark? Mark? I just want to ask you a couple more

-- I just want to ask you a couple more questions.

>> Sure.

>> Riley: One of your last comments was that you're concerned that future development on the site could be inconsistent with the future land use map. Membership me understand what you mean by that.

>> At this point the future land use map shows it as civic, and, you know, anything above and beyond that which is potentially granted by go, you know, greatly intensifies the use, right? Even

-- any sort of office use on that

-- on that

-- on that plot starts to really change

--

>> riley: Understood, but you understand that before any such use could go in and they would need to come and get

-- and get the future land use map changed.

>> I think that that is

-- I think there's a lot of uncertainty around when the

-- right, and as well I think the people are talking about the

-- you know, what magnitude of changes would trigger these kinds of things.

>> Riley: I see. So we could use some additional things from staff on that question, about what could be done under civic without

-- what would go allow them to do under civic. That's the question.

>> That is the question.

>> Riley: Okay. So I'll plan on asking staff and, jerry, we don't need to cover that now, when we get through the speakers I'd like to come back to that question.

>> Right. And as you heard, we have a variety of proposed restrictions that are new to us too. Part of this is difficult to understand exactly what good happened based on what the current application is and versus what the applicant is suggesting here kind of last-minute changes too.

[10:59:34]

>> Riley: Right. I understand. And in fairness, I want to know, doug, a lot of this is last minute, but I want to emphasize that even though I did

-- I did meet with the applicant late yesterday afternoon and if it would have been sooner I would have followed up with the neighborhood before the council meeting. This was kind of last minute for us too.

>> Sure. I understand.

>> Riley: But I want to note that at every point that the applicant was

-- was adamant that this would only be on first reading, and nobody

-- nobody was trying to sneak something through on all

--

>> no, no

--

>> riley: So there will be time, no matter what happens here today, there will be time for a lot more discussions, if the neighborhood is up for that.

>> Completely understand.

>> Riley: I'm not

-- on the full topical question that council member morrison was getting at, I want to make sure I understand that. The applicant was suggesting that sf

-- the single-family zoning that's currently on the site is from a

-- from a zoning standpoint is not necessarily consistent with the other zoning designations along that corridor.

>> Right.

>> Riley: Is the neighborhood intent on retaining single-family zoning?

>> I think we also understand that as well. I do believe that there are a variety of different other

solutions that might be appropriate, not just go. You know, could be mf, it could be a variety of different -- of zonings, and that I think is, again, one of the problems, which is we're trying to solve an existing impervious cover snafu with a zoning correction, which may lead us down one path versus another that may or may not be better for the neighborhood.

>> Riley: But in fairness, adjusting the zoning would more accurately reflect the use of the site, because -- in regard to impervious cover, because the use of the site, including the impervious cover, is really more consistent with commercial zoning.

>> Yeah, I understand, but I feel like zoning is much broader than just impervious cover, right?

[11:01:35]

>> Riley: Yes, absolutely. But all of those details can be addressed through modifying the zoning. There are

-- and that could be done through restrictive covenants and so on. And I certainly understand and appreciate that the neighborhood

-- the neighborhood's anxiety about the details of the development. Is it going to be 4,000 square feet or 2,000 square feet. So in addition to the restrictions that can be placed on the zoning, there is always the possibility of a restrictive covenant that would put in place whatever conditions you could agree to on the particular structure that's built, including, for instance, 2,000 square feet versus 4,000 square feet. Would the neighborhood have any appetite for a conversation about that sort of thing?

>> I think that's a great question, because we don't

-- when we compromise, it normally doesn't look like this. Normally we don't just get a little sharpie outline and then a bunch of terms, right? Normally when we have an applicant, a future buyer or an existing owner who wants to do something new with a site, we have some very detailed plans to review, an almost full site plan so we can really understand what the impact is going to be on the neighborhood. And it's very tough to

-- I understand where you're going with the restrictive covenant and all those things and we've done them before and we've agreed to them. We've put them on the consent agenda right here, but it requires a whole lot more for us to be comfortable

--

>> Riley: In those sorts of situations aren't you typically talking about new development whereas if someone is just simply adding some addition to an existing structure, it seems like it might be more customary not to have full-blown architectural designs before

-- during the stages that you're talking about.

>> Well, and again, I think the juxtaposition of what we're doing versus the zoning change that is being applied for, right

-- I understand where you're coming from, and that's I think part of our problem, which is what is actually

-- what they're actually trying to do does not require go zoning to

-- to do it, right? And it would be much easier to understand if there was a larger proposal to do something that was consistent with all of the

-- you know, the uses of go and it was a full-fledged, you know, proposal. Here we're being asked to

consider a little addition, but in order to approve said addition we're allowing a huge upzoning, which it's just

-- that's an incongruity that is hard for us, you know, to get our heads around because of what could potentially happen after that is granted.

[11:04:11]

>> Riley: Right. Right. And I can understand that, and the only thing that makes it understandable to me is that the change that they're suggesting is not something that would go far beyond their current use of the site. It would actually tend

-- it would be aimed at bringing the site

-- the zoning into compliance with

-- into alignment with the actual existing use of the site. That's the difference. If they were

-- if they were seeking some zoning that goes beyond

-- far beyond the current use of the site, then I could understand

-- then a thing like that would be a greater basis for anxiety, but here

--

>> I think office use is much more intense use than civic use. Civic use is incredibly low impact, and so I don't think that

-- I think that, you know, bringing it up to go is not actually consistent with the way its current use is. I think the civic is a separate use that is much less intent.

>> Riley: Right, just in terms of the impervious cover

--

>> that's it, which is

-- okay, you know, if we're doing zoning purely for impervious cover, that seems to be a big sledgehammer to be used for a small problem. So

--

>> Riley: Okay, and then the last thing I want to ask about is the proposals that we heard from Mr. Antnora about storm water and rainwater, and the idea is that if

-- if they used rainwater collection, then that would address the additional impervious cover that

-- of this new fellowship hall because that's where they would be collecting the rainwater and then they would use it

-- use that to irrigate the landscape. And then the second thing that they're offering to do is put in a bioswale in place to address the runoff that is currently coming, some of it perhaps from the adjacent site, that is currently crossing this, and I know the neighborhood expressed concern about the runoff getting into blunt creek, and so the idea was to simply put in place a natural filtration system to be able to address that. And I know that's not what the neighborhood requested, and when I talked to the applicant about that my understanding was that

-- in their judgment, the

-- what the neighborhood had suggested was of a scale that was far beyond what they had contemplated for this project and they did not feel that they could handle it within the budget of this project, and so a bioswale combined with rainwater collection was something they thought they could

handle. With all that said, are those sorts

-- I wouldn't expect the neighborhood to be prepared to sign off on that at this point because I know you did

--

[11:06:47]

>> no,.

>> Riley: But is that the sort of thing you'd be willing to talk about?

>> I believe that direction is consistent with what we were looking for. I would love to have our -- you know, the engineer that we worked with on this to look at that and understand it, much, yes -- the spirit seems to be in the right direction.

>> Riley: You'd be willing to talk about that?

>> Yes.

>> Riley: Thanks a lot.

>> Thank you.

>> Mayor leffingwell: John swan? Do you have a question, council member tovo?

>> Tovo: A quick one actually for our staff while the next speaker is coming out. Either one. Mr. Rusthoven or mr. Guernsey, I'm trying to figure out what

-- our staff report talks about just a couple conditional

-- just a couple prohibited uses within the comfortable overlay. Is there an updated one somewhere that I should be looking at?

>> No, the

--

>> tovo: The one in our backup has a conditional overlay prohibiting medical office general unlimited, college and university facilities and hospital services, general and

--

>> that's correct, council member. The applicant has actually

-- the backup is accurate. The applicant is actually

-- has asked that they could include or accepted additional prohibition on the administrative business office and professional office uses. So in essence all three office categories through a conditional overlay would be prohibited.

>> Tovo: Would you mind telling me what those were again? I'm just comparing it

--

>> there's a medical office, which could be dental or a doctor's office. Professional offices could be an attorney, engineer, and administrative business office which are mainly all the other office categories that you can think of. And I know the question is going to be asked later, but the flum doesn't control the land use. The zoning controls the land use, and although the church is certainly civic use, the geo zoning if the church were to leave and an office were permitted, the administrative business office, the administrative business office user could come into the property annual build an office

-- and build an office use unless this zoning specifically adds a conditional overlay to prohibit an administrative business office.

[11:09:07]

>> Tovo: Just to be clear, there are some other uses under go that are not being prohibited but are also not really within what the

-- and let me make sure I've got

-- I'm not sure I've captured all of them, but a few would be personal services, printing, publish, the conditional use of a restaurant. I mean, there are

--

>> art gallery, workshop, college

--

>> tovo: No, college is prohibited, it looks like, college and university facilities were in the original staff report as prohibited.

>> Prohibited.

>> Tovo: I wanted to be sure I had a sense of what the applicant's additional exceptions are so that I can figure out what among the go permitted conditional uses are not

-- are not being addressed and thus would still be

-- would still be allowed within that property if the zoning change went through.

>> I just spoke to the applicant and they're happy to do

-- the publishing services

-- services

--

>> I was just offering examples. Thanks.

>> Mayor leffingwell: Council member morrison?

>> Morrison: Greg, I have a quick question for you. The issue about the flum, thank you for straightening that out because that's what I understood before, that a change in use, once it's zoned go would not under our rules today prompt a flum change.

>> That's correct, they could take advantage of the zoning. Civic uses in general are unique, because we

-- we do not have civic zoning categories like we did before, multi-family, single-family

--

>> let me ask you this. Would it be possible, and maybe this is something to contemplate or ask the lawyers, is there some way to, with a zoning change to go, put in a predictive covenant or something other that would require a flum change to move to another use?

>> I think we would probably need to talk to our law department further about

-- if you were to approve this on first reading we could certainly explore that. If the concern is more that

-- the use categories are changing too drastically, there might be a way to do a co limiting it to those uses that would coincide with single-family district. They're allowed in go, that would narrow certainly the list of uses. The applicant, by saying we won't do a print shop, we won't do office types of uses, going that direction, that still leaves the go site development standards

--

[11:11:41]

>> morrison: I don't know about that.

>>

-- That might allow for the impervious cover to be addressed.

>> Morrison: Exactly. There are many other impervious covers, but then the question is to talk with legal about can you also put a constraint in the ordinance that says, if, in fact, you ever change to one of the other uses you can't do that without a flum change?

>> I think I'd talk with our law department. That would be something I don't think we've done before.

>> Mayor leffingwell: Could I suggest that we try to hold our questions to staff, because we're not going to get through all the speakers, and it would be nice to allow the people a chance to speak because there's going to be a two-hour delay, almost a two-hour delay coming up.

>> Morrison: I'm done here, mayor.

>> Mayor leffingwell: John swan? John swan? You have three minutes.

>> Thank you, I'm david swan, I'm a little hard of hearing. I'll do the best I can. I'm here today. I live a couple of blocks north of this property, and I own some other properties, two other properties in the neighborhood, and I believe when

-- I'm concerned about the fairness in cost of managing this process, because I and my neighbors are paying for all this, and we'd like to keep it fair to everybody concerned and relatively inexpensive. And I'm also concerned about the quality of life for myself and my neighbors. I think the original intention and why this is sf-2, plus civic, is that the subdivision was developed around 1960, and those people imagined a transition from single-family to duplex to multi-family to commercial. And that was the setup. The church was already there, I believe. And about ten years ago we did have a neighborhood planning process. It's unfortunate that the

-- the

-- this corporation, the developer here, did not participate because we spent more than a year. We spent our personal time. We neglected our business. We neglected our families. We spent a ton of staff money that we had to pay for. So we're thoroughly invested in the plan. The plan never considered office or retail for this space. So I was surprised that

-- anyway, we're in love with the plan. We want to continue using the plan as a vehicle to shape the future design and use of our neighborhood. I'm going to address just a couple of things that the lobbyist said. He stated that there were only four residential properties along oltorf

-- oltorf can you put that

-- do you have that

-- this is not very sophisticated, but I do have a shot of overhead, and I'm just going to point out that the -- that the land south is sf-3. Everything across sherwood lane is sf-3 and then immediately backed up by sf-2. And then further to the east there's sf-2, and then there's a big

-- I believe it's called council ridge townhouses, that's sf-6 or something like that. Then there's the wilderness area, then the high school. Then across oltorf directly north is a small strip of commercial properties, and directly behind them are sf-3 residential properties.

[11:15:36]

>> Mayor leffingwell: Thank you, mr. Swan. Your time has expired.

>> Okay. Do we have any time available? Ms. Mathers is offering me a few more minutes.

>> Mayor leffingwell: Jean mathers is donating three more minutes to you.

>> Thank you. Thank you, jean. So it's not correct to say that there is only four residential

-- it's residential all around there except for a few exceptions, and then there's a big node for commercial development right there at congress and oltorf that's well-suited for redevelopment of a much more intense and grandiose scale. He spoke about

-- a few people have mentioned that oltorf is an arterial. Well, all arterials are not the same. The paved area is 37 feet wide, and we've got vehicles when the congestion allows, we've got vehicles going up and down those hills at 50 miles an hour. So that's definitely a little bit problematic from the standpoint of putting in a lot more intense commercial-type development on that site. And that's

-- that's going to be hard to fix, I think. We

-- I'm a member of the neighborhood planning contact team, and we

-- in order to be fair to the proponent here and to save a lot of time and costs and just effort, we did come up with what we thought was a completely reasonable and fair counterproposal. That was the idea that we would support them for a waiver. I think that's still a good idea. One of the problems that we have if we

-- we try to go through the process of upzoning and add a lot of restrictive covenants, we add a lot of overlays, we add a lot of special conditions. Once again, it is I and my neighbors who have to pay for the cost of managing that process indefinitely. So we're looking for the least cost option, I'm speaking for myself there of course. Anyway, thank you for your attention.

[11:17:53]

>> Mayor leffingwell: Thank you. Eloa matthews? And donating time is russell frazier. Is russell here? Russell frazier, raise your hand. He is not here. So right now you have three minutes. If he shows up you have three additional minutes.

>> Thank you. My name is eloa matthews, and if I get flustered please excuse me. This is my childhood home that I'm living in. I live in that house my mother bought after my father passed away in 1963, so this is a very personal experience for me. I'm on the neighborhood plan contact team and I gave a lot of time to that effort because I wanted this neighborhood to be as great for the kids who live there now as it was for me growing up. My dad was at bergstrom and he passed away and my mom bought this house, and we love

-- we've loved living there. I want to say to the architect who said there was no zoning there, there was zoning. This is a very unique neighborhood. It was sf-2 from the late 1950s. As well, the architect

-- I mean, the engineer who lives in our neighborhood chose to live there because he wants his kids to grow up, go to travis height elementary school. And I have the email from him. He couldn't be here today, with his data on it about the impervious cover being 83%. He's a civil engineer, and he spoke before the planning commission, and he said that the proposed impervious cover is approximately 85% based on his meeting with the applicant, and he said for me to, you know, share this information with you all. And that the existing impervious cover already exceeds the go that they're requesting. And he is a civil engineer, and that the planning commission voted based on what he said to not just oppose the gr

but also the go. Now, I'm trying to be intellectual and tell you about this, all these numbers and everything, but to me this is

-- this is personal because I have elderly neighbors who have lived there since day one, and they live on sherwood lane, which only has 44 houses on it. It's two blocks long. And they cannot get out of their driveways now. There are 900 car trips allowed on that street per day. It will go to 1900 allowed. And these are people in their 80s. They want to stay living there, they walk to the grocery store, go to meetings, come to my house to have coffee in the morning and wine at night. And they want to walk in their neighborhood. And, you know, maybe it's good that we're all sitting here talking about this, but we've had 10 or 15 meetings already about this, and we want to protect our neighborhood. So I can -- I can go on about how we worked with the district soco and gave them additional heights and they did predevelopment runoff levels on that property next to them. They're not causing the problem. They're not causing the runoff. They did a great job, and we worked with and I wish michele rogerson lins was here to say what they did. But please oppose this. We have given the church a variance proposal. It can work, and excuse me for getting emotional.

[11:21:28]

>> Mayor leffingwell: Thank you.

>> Thank you.

>> Mayor leffingwell: So that's all the speakers that we have. We'll have three minutes rebuttal from the applicant. Excuse me. Archie gres. We have one more speaker, archie gres. Is archie here? I guess not. So you have three minutes rebuttal.

>> Mayor, just to address some of the comments that I've heard, the last speaker said that she's lived in this neighborhood since a long time. The church has been here as an integral part of this neighborhood for a long time. She grew up with the church there. We're continuing to have the church there. We're not proposing to have an office building. In fact, we could agree to council to prohibit all office uses save religious assembly. However, I don't think you can do that. So if anyone here would like to say, okay, seal everything out except something, we could agree to that. We want to do the church, is what we're trying to do. To reinforce that I'm looking at a letter from jean mather, that is addressed to lee heckman, our manager, and it says, the church has been in the neighborhood for many years and has been a good neighbor. One of the reasons that they're easy to live with is their ample parking and this results in the high impervious cover. Ample parking, good neighbors, that's what we're talking about, and we simply want to make an addition to the church. Relative to the property to the west and their involvement was coming up with super drainage and super whatever, that's a commercial development. Someone referred to this project a while ago as a developer. It's not a developer or a development. It is a religious assembly that would like to make a small, whether it be 2200 or 2400, whatever the architect design comes up with, which financially we have not been able to get engineer drawings, architectural drawings at this point because, as council knows, site plans relative to zonings are an antiquated way to go about things. Once we know where we can go, then I think we can start raising the funds to go ahead and do what the go would allow us to do. When we met with the neighborhood association at one of the hearings, it was suggested that they could support it. They've said they could support the church, they could support it as long as it stayed sf-2. We're going to continue to have the church. They don't have a

problem with the church. They don't have a problem with the addition. They have a problem with putting it in the appropriate zoning that would allow us to do what we want to do and need to do for our members of the church. And simply, council, that is to approve the zoning that would allow us to do it, with the conditional overlays that's been proposed to you today in addition to staff's, with the biofiltering system and the rainwater harvesting system. We don't create a traffic problem. If you were to raise the raze the church and try to build houses, no one would

-- I shouldn't say no one, but likely no one would on a house right next to a

-- own a house right next to a 60-foot highrise 100-foot apartment house. Thank you for your consideration.

[11:25:21]

>> Mayor Leffingwell: Thank you. Any questions of mr. Minna? All right. We won't get much further, I think. It's almost 5:30, so if there are no objections we'll go into recess for live music and proclamations.

[11:33:58]

>> Mayor Leffingwell: Okay, folks. It's time to live music at austin city council. Our band to today is kp and the boom boom. [Applause]. They were formed in the fall of 2010 right here in austin, texas, made major waves around town, in 2013 releasing a three-track ep produced by alva lay o', debuting music video for their video, and stirring up buzz with their high energy performance. Their sound, while cohesive and compelling evades some description. Pull it apart and you will find hall marks of funk, soul, disco, artifacts of the band's highly collaborative approach to song writing. It feels at once innovative and effortly danceable. Feel free to get up and dance while they're playing for you would like to. Please help me welcome kx and the boom boom.

-- Kp and the boom boom. [Applause].

>> Thank you. We're really happy that this is kp and the boom boom day. It's quite an honor. [♪♪Music playing♪♪]

[11:39:12]

[applause].

>> Mayor Leffingwell: I'll give awe couple of minutes to promote yourself, tell us where you're playing next and where you will be playing in the next few weeks where people can buy your music and so forth.

>> Oh, thank you, everybody. I want to say that song we actually wrote about austin, texas and how much we love it. And I was walking on lady bird lake one day when the sun was going down and all the buildings were turning golden and that was the inspiration for that song. So it's our dedication to austin today. And so I would like to also thank the atx music office and the city of austin for proclaiming this the kp and the boom boom day. It's a special day for us and it's really wonderful that the band is starting to be recognized within austin. We've been together three years and we work with really talented musicians that all deserve a big round of applause. You can find our music, we're actually bringing out a brand new album this year, which will be our first full length album. We're really excited about that and

we're hoping to release that just after the summertime. You can find our current music right now on kp and the boom boom.Com and go to our facebook, please like us. We play a lot around town. One of our next shows is going to be friday, april the 4th at the rattle inn with t bird and the breaks. And after that may 23rd at stubs with the night owls and we just got booked to play the keep austin weird contest, which is may 28th. We want to thank our manager as well, and she's on a roll with us this year. And just thank you so much. Our message is about positive activity. It's about love, it's about being who you are and true to yourself. I really hope that we can continue with everybody's support to bring that to people. Thank you very much.

[11:41:17]

[Applause].

>> Mayor Leffingwell: Maybe I can use my influence to get you on the jimmy kimmel show. How about that?

>> We would love that.

>> Mayor Leffingwell: So I have a proclamation which I'm going to read now. Be it known that whereas the city of austin, texas is blessed with many creative musicians whose talent extends to virtually every musical genre. And whereas our music scene thrives because austin audiences support good music produced by legends, local favorites and newcomers alike. And whereas we're pleased to showcase and support our local artists. Now therefore i, lee leffingwell, mayor of the live music capitol of the world, do here by proclaim march 20th, 2014 as kp and the boom boom day in austin, texas. [Applause]. Are we all here? We're here to celebrate the small business development's program's seventh largest graduating class. As we all know we've talked about many times in the past what an important part of our local economy small business is. And austin has consistently ranked among the top cities for small business and it recognizes the contribution of small business to our local economy. We show our commitments to helping business owners through our partnership with the university of texas professional development center and through this collaboration we help business owners get the skills to grow other businesses and ultimately contribute to job growth in our community. We're honoring 10 committed individuals tonight who have completed at least six business and education classes during the past semester to achieve their business success skills certification. Congratulations to all these graduates. We're going to read their names out or vicky is going to read their names out in just a couple of minutes. We celebrate each of you and we will share your success as shining examples of the entrepreneurial drive in austin, texas. Vicky, you can come up and I'll help you hand out the certificates.

[11:44:39]

>> Thank you, mayor. Hi, my name is vicky valdez and I manage the small business development program, which is a division of economic development here at the city of austin. The small business program hosts this recognition for our graduates twice a year. And I'm happy to say that each time as the mayor mentioned our class just gets larger and allgier. We had 21 entrepreneurs that were deserving of the recognition, 10 of which we have with us today. So the the entrepreneurs are a great illustration of what makes austin so vibrant and our economy what it is today. So congratulations again

as the mayor mention and now

-- oh, and a side note, mayor. I would like to mention that this last year we had over 800 entrepreneurs take these classes with a partnership with the u.T. Professional development center and to find a list of the classes for any entrepreneurs interested, you can go to austin small biz.Com. Again, that's www.Austinsmallbiz.Com. So today let's go ahead and get started. We're happy to recognize them and I'll call them out.

>>

>> Mayor Leffingwell: Vicky, people ask me all the time, what do you do for small business? And here's your answer right here tonight.

>> Thank you, mayor. Thank you. [Applause]. Okay. So let's begin. To begin with, it's cash melton, if you would come up. I would like to point out that cash is a student at texas state university and interested in becoming an entrepreneur. So congratulations. [Applause]. Kenneth Crawford? Arcellio Rubio with Austin Star Services. [Applause]. Francesca Cowan Weiner.

[11:46:54]

[Applause]. Jonathan Esquivel with Austin Star Services. [Applause]. Congratulations. Pillar Leono with [indiscernible] International. [Applause]. Ty Yung with Damu Consulting. [Applause]. Phan Ngyuen with the [indiscernible] Grocery. Congratulations for taking this step. [Applause]. Hold on a second. Oh, the two that we

-- okay. We have two more that have just joined us. Susan Yenser. [Applause]. So glad you could make it. And Jessica Williamson. [Applause]. Now a big round of applause. Congratulations. Before I close I want to say a couple of thank yous. Thank you to the u.T. Professional Development Center for your continued support for entrepreneurs. Also upper management within the city of Austin. Kevin Johns our director,

[11:49:02]

[indiscernible], our acting assistant director with economic development. And last, mayor, I just want to say thank you for you and council for the continuing support of not only entrepreneurs in Austin, but also the funding for the small business development program so we can continue to offer these services to entrepreneurs. Thank you. [Applause].

>> Mayor Leffingwell: So next we have a proclamation which proclaims today or actually proclaims March 25th as Diabetes Alert Day. Mainly to call attention to this really can be devastating disease. And put the emphasis on early detection and early treatment with that management people can live very long and productive lives. Without it, it becomes a very serious illness. And I know this from personal experience. My sister was diabetic and died far too young at age 52. I think with the advanced treatments that we have today, had she been able to take advantage of that, she would still be with us. So the proclamation

[11:51:10]

reads: Be it known that whereas 1.7 million Texans have diabetes, a serious disease with potentially life-

threatening consequences such as heart disease, stroke, blindness, kidney disease and amputation. Millions more people in Texas are at risk for developing type 2 diabetes. And whereas recent estimates project that as many as one in three American adults will have diabetes in 2050 if current trends continue. And whereas an increase in community awareness is necessary to put a stop to the diabetes epidemic. And whereas we want all Austinites to know their risk by taking a diabetes risk test at stopdiabetes.com and be a part of the American Diabetes Association's top diabetes movement to fight and most importantly to change the future of this deadly disease. Now therefore I, Lee Ieffingwell, mayor of the city of Austin, Texas, do hereby proclaim March 25th, 2014 as Diabetes Alert Day in Austin. And I'm going to let Jennifer Matison who represents the association, say just a couple of words. Jennifer?

>> Thank you so much, Mayor. I have here a list of some statistics to share with you, but you did a great job of sharing those statistics. Diabetes is a very serious disease and it does affect nearly two million Texans. Surprisingly a quarter of those or 500,000 aren't even aware that they have the disease. We applaud the city of Austin and the Mayor for joining us in our efforts to stop diabetes by proclaiming March 25th Diabetes Alert Day. So we want to take this one day as a wake-up call and ask for Austin residents to take a risk test online free risk test. They can visit diabetes.org/risk-test to find out what their risk or what your risk of developing type 2 diabetes might be. We want everyone to be able to take this test and be aware of their risk. So we thank the city of Austin. We're very proud of the commitment that you guys have to health and wellness of your residents and we're very proud to have you guys joining us and helping us in finding or the fight for diabetes, stop diabetes. Thank you very much.

[11:53:40]

[Applause].

>> Morrison: It takes a whole lot of people to make this next presentation work. If everybody wants to -- Ron, why are you not joining us? Okay. Come on. Come on. Oh, yeah, yes, please. That's right. Oh my gosh, look at all these great people. Let's crowd in. We'll make it work. Yes, please. [Laughter] Oh, and we have even more people? Great. Mona, come up and join us if you would like. We'll go ahead and get started. This is one of my favorite days at city hall. Are we ready to start? Good. This is one of my favorite days at city hall. Every year we have the grants for technology opportunities that the city hands out. And it is a great way for the -- great way that the city of Austin supports improving digital literacy, digital inclusion in our town, and really supports some of our fabulous nonprofit organizations. And so I'm pleased to be here today with the award winners as well as I just briefly want to mention we have our Tara Officer, Juan Della Hawkins, our Tara Office, Don Sears and three of our community technology and telecommunications commissioners, we have Glen Williams, who is the chair, Wendell Ramsey, and Elizabeth Cantillo. The commission really manages this grant program and we are grateful for them to do that -- that they do that. The grants are given to nonprofit organizations for programs that provide public access in computers and for programs that really help to improve literacy and education in information technology. Plus what we get out of this and get to see are a lot of programs and ideas that really add to innovation that serves the community. One of the really great things about this program is -- about the grants that the city offers have to be matched by the organizations. And over the

past 13 years gtops has awarded over \$1,465,000 in grants, and that has been matched by more than four million dollars in matching funds, including 36,000 volunteer hours and one million dollars in in kind and cash match. So it really a program that everybody sinks their teeth into. The increased computer literacy rate that comes about with these programs averages 118%. And more than 25,000 people have been searched by these programs. So we're very excited that we're able to support that. We've been able to be increasing the amount of our grants over the past few years, and it's now up to \$200,000 a year. So with that we'll get on with the ceremony. Are you going to go ahead and do the individual things?

[11:57:57]

>> Thank you, councilmember morrison. I'm so proud to present the 2014 gtops awardees and we will begin with river city youth foundation receiving 100% of their request at \$25,000. Represented today by mona gonzalez and one [indiscernible] gilly. And the youth of dove springs neighborhood. Gtops will support tech [indiscernible] dove springs, a bilingual digital technology empowerment and mobilization program for low income parents and children in southeast austin through a culturally sensitive community learning mobilization approach, families gain three things, the confidence, basic skills and a tech product, which is access to immediately improve their lives in their community. River city youth foundation. [Applause]. Next up representing the housing authority of the city of austin is sylvia blanco, pillar sanchez, michael gerber, shelly smart and in this case veraans. And gtops granted 100% of their request to support project reboot at booker t with a, wash public housing community for pilot community for google fiber services through the community connections program. With equipment that is more than 10 years old, new computers are needed at the site's community center and network neighborhood center to take full advantage of the gigabyte speed connectivity provided by the city of austin. [Applause]. Next up we have adrian and emily representing boys and girls clubs of austin and travis county and gtops awarded \$14,000 or 100% of the request to support hot spot hands on technology. Boys and girls clubs of austin and travis county enable young people to realize their full potential and to work with disadvantaged youth in areas of academic success, character leadership and healthy lifestyles. Hot spot nurtures youth intellectually and creatively, giving them invaluable skills for their schools and future careers by teaching them computer hardware, knowledge and software skills. Boys and girls club of austin and travis county.

[12:00:20]

[Applause]. Next up we have skill point alliance represented by margot dover, executive director. Casey smith senior director. Brenda column, program manager, and [indiscernible] of skill point alliance. And we will support their [speaking in spanish] with the already popular [speaking in spanish] in 2014. Each of them will highlight resource tables that demonstrate the vast array of online resources available to enhance the lives of dove springs residents and inspire desire for becoming proficient in computer technology. Skill point alliance. [Applause]. Next up we have american youth works receiving 92% of their request, otherwise at \$22,986, represented by park smith, ceo, david clouds, youth build program director, american youth works youth media participants, jared baker and dominic drummond. Gtops

will support youth media corps in education and workforce development program that teaches at risk youth the basics of computer refurbishing, graphics, web design, video and computer programming, and students will also use these skills to benefit their community by providing reduced cost computers to low income families and offering technology training to underserved populations. [Applause]. Next up we have break-through receiving 88 percent of their request at \$22,000, represented today by sarah holiday. And we will support the austin's connected classroom. Break-through combines dependable supported access to computers and information technology with individualized long-term case management and college readiness programming to help students overcome significant barriers along the path to college. Break-through austin.

[12:02:27]

[Applause]. And unfortunately girls start was not able to join us today, but we will support their need based scholarships to summer camp attendees. They are camps for girls in the third through 10th grade and helps participants interest in stem subjects in careers in hands on opportunities and access. They received 82% of their request at \$14,000. Girls start austin. Next up we have literacy coalition of central texas receiving 78 percent of their request at \$18,000. Wendy taylor watchler. Gtops will support their learner web project which creates a more employable, digitally workforce that provides tutor facilitated, evidence based online learning tools at online computer labs. It improves literacy skills, explore career pathways and austin job trends and prepare for the new computerized g.E.D. Literacy coalition of central texas. [Applause]. Next up we have the thinkery, also known as austin children's museum, receiving 73% of their request, otherwise \$18,250. Katy yates. And we will support the tech reach program to enhance their program delivery. Modifications this year include delivering tech reach experiences at libraries, local nonprofits and schools and offering new curriculum and expanding professional development to empower formal and our final presentation is to easter seals central texas who receive 70% of their request at \$15,000. Todd marvin, president and ceo, accepting on behalf of this organization. Incident interstate graded technology programs that will support the two programs that share a singular goal of increasing digital literacy and inclusion for people with disabilities in the greater austin area. The programs will allow for people with disabilities to learn how to use e readers and ipads in a social and educational setting. Easter seals of central texas.

[12:04:59]

[Applause]. And that concludes our 2014 gtops awardee presentation. We'll follow up with a group photo.

>> I'd like to thank council and the city manager and everyone involved within the gtops process. Per councilmember morrison's note, yes, we do work with council, yes, we do work with the tara offices, but for everyone out there to know that it's not about us, it's about the individuals that receive this award today, so please if you can help me give a hand if you're out there in the crowd or at home because the individuals that are standing right behind me today are the ones that are working tirelessly every single day, day in and day out to help provide access to the digital provide and they're going out tirelessly just making sure that these funds are used appropriately, that they can get their message out, but most

importantly what you need to learn and understand about each of these organizations is that they need your support for their time, talent and treasure. So at the end of the day, look up these organizations, be able to see which one is going to fit within your life-style and your gap met so that you can go out and support these organizations here in austin. Thank you again for your time. [Applause].

[13:03:28]

>> We'll take up item 72, we completed all the public comment, the public hearing part of it and the rebuttal, and I think we're open for council discussion for a motion.

>> Mayor.

>> Mayor leffingwell: Council member morrison.

>> Morrison: So I appreciate everybody talking during the break and all and I think maybe we've found a good path forward. The first question is there seems to be some disconnect between the two sides' view of how much impervious cover there is and clearly if there is already 80% impervious cover or more we're sort of going down the wrong path. So the first thing I wanted to ask is that I know the neighborhood has their neighborhood civil engineer and I know that the applicant has their architect, and I would ask first that they get together

-- I'm going to make a motion to postpone, by the way, first, that they get together and see if we can't come to some agreement on what the impervious cover really is. Is it the 69 or the 83 or something in between, because that will help us a lot. And then be given

-- if it's over

-- if it's less than 80, I have a strong feeling that there's a way really to reach everybody's goals by doing particular kinds of conditional overlays and things like that, by severely limiting the uses of a go. I would hope that we could limit the height to sf-2 height, so as much as possible make it look like sf-2, but to allow the change. And so with that, mayor, I would like to make a motion that we postpone until may -- till the may 1 meeting, with the request that folks work together, let us know if you need some help to make that work together. There's also the issue of the flum and we could get that clarified in the interim too. And I think mr. Bennett might have a comment. Questi questi on for mr. Bennett?

[13:05:37]

>> Morrison: Mr. Bennett, did you have a comment on that?

>> Council member, I know of the plan that we're talking about and we will have a surveyor calculate the impervious covers. You may see a renotification for gr, depending on what that impervious cover is, rather than the go. That would require renotification, but I didn't want it to surprise few it comes out that the impervious cover should be a gr standard instead of go.

>> Morrison: And that's 90% oh gr is 9

-- gr is 90% impervious cover?

>> I believe so.

>> So you're saying if it's already a lot higher than you think you might want to change to gr.

>> I didn't want it to come as a surprise to council

--

>> and then we wouldn't see you necessarily on may 1.

>> Right.

>> Morrison: Great. So my motion is to postpone till may 1, leave the public hearing open and hopefully we can get some things settled and then everybody comes together with a compromise.

>> Mayor leffingwell: Okay, so the motion by council member morrison to postpone till may 1.

>> Second.

>> Mayor leffingwell: Second by council member riley.

>> Riley: I'm happy to second that. I'd like to make a comment. I appreciate everybody's work on this and I appreciate the neighborhood for not only putting the work they did into the neighborhood plan in the first place but sticking around to defend it. And I think there is every possibility that we can come up with an outcome that would actually allow the church to proceed with its fellowship hall while still respecting the neighborhood plan. I know the neighborhood has been working towards that same end, and I just think we're talking about getting there through a somewhat different path. And I think -- and I totally understand all the neighborhood's anxiety about opening the door to various commercial uses through some commercial zoning, but I think that can be addressed without too much difficulty. In particular one thing that I was going to suggest is considering simply prohibiting all commercial uses, which would just leave a list of civic uses. In fact, you might want to look at the list of civic uses and consider whether there are any of those uses that you want to prohibit, but the civic uses do -- leaving the civic uses in place would allow the church to do everything it wants to do, and it would still build in the requirement that anyone who wanted to actually do a commercial development there under go or gr or whatever it winds up being, that they would still need to come back to get a rezoning in order to allow that commercial development to proceed. And then we could have a discussion about all the traffic and other impacts that would be -- that would be implicated by some proposal like that.

[13:08:13]

>> I think we -- if you -- well, the

-- I think the proposed concept might be go to go site development regulations prohibiting all other uses except for sf-2 civic uses, which I think is

-- gets you to where you were going to, and then we add the go/gr until we resolve that question, and then I think that works for us.

>> Riley: And then I would just add

-- there may well be things that can't be fully addressed through a conditional overlay, and that brings up the possibility of a restrictive covenant, which need not be that complicated, but it could

-- to the extent that the neighborhood wants to take the church up on its offer to do things like rainwater harvesting and a bioswale

-- I'm not sure we could do that through a conditional overlay, but we could build it into

-- you could build it into a restrictive covenant, just to make sure that we get the applicant fully pinned down on that. So anyway, I think there is a win-win outcome available here without too much difficulty.

I really appreciate all the time and effort that the neighborhood has invested in this, and I appreciate your being up for putting a little

-- putting a little more time into it to get to where we'd all like to get to. And mark, is there anything you'd like to offer?

>> [Inaudible]

>> riley: No problem.

>> One of the things that we had discussed was in this

-- in this interim time during

-- between the postponement, to have an actual survey done so that we could look at the

--

>> riley: The real numbers? And, in fact, that's what mr. Bennett has just suggested they'll be doing.

They will be doing a survey to get a handle on exactly what the impervious cover is.

>> Would it also be possible once you have a survey to look at going to the board of adjustments for a variance as well to see if that is truly not a possibility?

>> Riley: I'm not going to dictate

--

[13:10:14]

>> mayor leffingwell: That would be the applicant's decision

--

>> riley: I would say personally I don't see how a variance of the board of adjustment is an appropriate resolution of this problem, and I'm happy to visit with you about that further, but I just think that's a different type of remedy. That is for

-- I don't know how you'd present the case that the applicant has a hardship unique to the property. I just don't think that the variance process was intended for a situation like this. And you'd still be left with sf zoning that doesn't really make sense there. I think it doesn't

-- that doesn't even fit the neighborhood zone future land use map, because the single-family designation is not

-- is not

-- is not a civic use. A civic

-- civic use is allowed in go, and that's the sort of zoning that you would expect, but you wouldn't really expect

-- when the land use map says civic, I would expect to see something like go. I just don't

-- I just don't think a variance makes sense as a solution here. But, of course, if the applicant wants to go that road, then that's

-- he has every right to do that.

>> Mayor leffingwell: And the other part in a problematic case like this is the board of adjustment

-- in every decision requires a super-majority. So

-- makes it kind of difficult. Council member morrison?

>> Morrison: I want to clarify one thing, mr. Bennett. I heard you say go type development regulations. I'm concerned about giving the height entitlement on that property from 35 to 60 feet, so I would certainly want to look at something that maintains the 35-foot height.

>> Council members, I don't think we have a problem with the height limitation. I think there's a

provision in the ordinance if the church wanted to replace that small steeple that's on there, they get a 15% increase over the district height. So I think we can live with that without any problems.

>> Morrison: Great. Thank you.

[13:12:15]

>> Mayor leffingwell: Sounds like your assignment is to create a whole new zoning category

-- [laughter] thank you, mayor.

>> Mayor leffingwell: All right. The vote is on postponement, all in favor say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no. Passes on a vote of 7-0. We'll go to item 76. These are the 4:00 public hearings.

>> Thank you, mayor and council, item 76 is conduct a public hearing and consider an ordinance amend be city code title 25 to allow breweries to sell beer and ale produced on-site for on-site consumption. And staff is recommending a postponement of this item to april 10.

>> Mayor leffingwell: Okay. Is there

-- is there a motion to postpone item 76 till april 10? Mayor pro tem so moves. Seconded by council member spelman. Any discussion? All in favor say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no, passes on a vote of 7-0. We'll go to item 77.

>> Thank you, mr. Mayor, city council. I'm kevin shunt, the is it

-- from the watershed protection department floodplain administrator. The item before you is a floodplain variance request at 5505 jim hogg avenue, and if it's okay with you all I'd like to take up one thing prior to going through the presentation. Staff is requesting a postponement for this item until april 10. I'd like to go into some discussions about that. We brought this item to you two weeks ago at the council meeting and went over some discussions. Since that time I've had some conversations back and forth with the applicant via email. Late monday the applicant's architect submitted to me a revised design plan, if you will, that changes the development plan around a little bit. And in staff's opinion changes it around significantly enough that we feel that staff needs time to look at that development plan to ensure that it satisfies the zoning requirements, you know, make it an official part of the building permit application, which it's not right at the moment, for the floodplain staff to be able to look at it. Obviously the purpose of all of that as we bring any item to you, floodplain variances or others, is for staff to be able to bring to you the best information available so you can make an informed decision, and unfortunately I can't speak well to this

-- this revised development piece because we haven't had enough time to look at it. So I'd be happy to talk to you about that, mr. Mayor, if you want to talk about that, or I could go through the presentation. It's up to you.

[13:14:59]

>> Mayor leffingwell: Council member martinez?

>> Martinez: , You know, my staff did meet with the applicants, and I did get to see some renderings,

and I would agree with staff that I too would like a little more time to look at how the proposal -- it's shifted dramatically, and they've come up with -- I'll just call it creative, for lack of a better way to describe it, creative way of dealing with the floodplain issue, and I'm very interested in looking at that more and hearing staff's opinion. So I'll be happy to make the motion to postpone the item. What was the date, Kevin?

>> I'm proposing April 10.

>> Martinez: To April 10. But I see the applicant has a concern, maybe, and I'd like to invite him to make a comment, if he would, please.

>> Mayor Leffingwell: Well, what we'll do is the applicant has three minutes to make the case for or against postponement, and if there's any opposition, and I think there is, they'll also be allowed

-- no, there is no opposition. So you've got three minutes. We're just talking about the

--

>> just the postponement. Mr. Mayor, council members, I have to agree with staff, we did make a major change in the plan. We rotated things around to basically make it a safer plan, much better fits the requirements of the floodplain ordinances. In all candor, we did do it quickly. We did it in just a couple of days after listening to the last council. So I really don't have an objection to a postponement. April the 10th doesn't work great for us. My wife is a CPA, so

--

>> Mayor Leffingwell: What's happening around

-- [laughter]

>> and one thing I would request, I know that staff had requested as part of the postponement that one of the reasons they wanted to do it was so that we would have an opportunity to redo engineering studies and all that. We've already spent about \$13,000 getting to where we are today, and obviously in order for our plan to meet zoning requirements and everything else, we're going to have to redo those and all of the above. But I would prefer to not spend that money until after the council has had a chance to weigh in on whether or not there would be a variance. So it's sort of a separate note on that. Kevin didn't mention that here, but as far as just a postponement to discuss what we have here, I don't have an objection to that.

[13:17:30]

>> Mayor Leffingwell: What dates suit you?

>> Apologies.

>> Martinez: Mayor, the council meetings that are after the 15th, May 1, May 15, May 22.

>> May 15?

>> Mayor Leffingwell: 17.

>> April 17? April 17 works for the

--

>> Martinez: Gives her 48 hours to sleep and catch up after she comes in. I'll move to postpone till April 15

-- I mean, 17, but you need to know, you know, we can't

-- oh, sounded like you wanted us to tell you whether or not we were going to grant this variance

--

>> lack of communication, council member martinez. All I was saying was when staff first communicated with our architect they were saying that they wanted us to redo the engineering plans and all that prior to back to you guys for a vote, and we would prefer to not do that. We basically will design, staff will have a chance to look at them, and then if there are

-- if we have to spend a lot of money for engineering plans we'd prefer to do that after the vote on the 17th, if that's amicable to you guys.

>> Mayor leffingwell: That's very understandable. Is there a second to that motion?

>> Second. Second second ed by council member spelman. He has a question.

>> Spelman: Not of you, sir, but kevin, if I could. I saw the plan was highly conceptual. Do you need him to do the engineering

-- the architecture and engineering of that or is the conceptual plan sufficient for you to review it?

>> Typically we have

-- the engineer does the analysis so that when we come to you we can state that the applicant's engineer has reviewed it and has stated that there will be no adverse impact to flooding to other properties. That's the typical process. It would be nice to have that done. I understand their concern, so if we didn't do the engineering analysis, at least it would give staff some time to look at it, and then we could craft an ordinance, if you will, to be ready that could say, well, you obviously have to do that engineering piece before you get a building permit.

[13:19:37]

>> Spelman: Of course.

>> So there's no way to get a building permit without having it. I think, you know, to go forward with to hearing it without the engineering piece, I mean, isn't a typical process but something we could do.

>> Spelman: The conceptual plan is sufficiently detailed that you could get a sense for yourself as to whether or not there is going to be an adverse impact on other properties, though?

>> Right.

>> Spelman: Is that accurate?

>> Yes.

>> Spelman: Okay. That's good enough. Thank you.

>> Mayor leffingwell: A variance will be contingent on it meeting certain criteria that would be in favor of the study.

>> Yes.

>> Mayor leffingwell: All in favor of the motion to postpone until april 17 say aye.

>> Aye.

>> Mayor leffingwell: Say no? Passes on a vote of 7-0. So now we'll go to our 5:30 item, which is item no.62. Public hearing has been closed and we're ready for second and third readings.

>> May, jerry rusthoven planning and development review. 62 is to approve on second and third reading an ordinance amending time 25 to a occupancy limit for single-family zoned property. As the mayor said the public hearing for this item was held and closed on february 13. In your backup is an ordinance we prepared based upon the motion that passed on first reading. I'm going to go through that ordinance

very quickly. We included in the ordinance a definition of domestic partnership, and a definition of unrelated as directed by the council. We have the ordinance reducing the occupancy from six unrelated down to four unrelated in the area covered by subchapter f, residential design and compatibility standards, section 1.2.1, commonly known as the McMansion area. We have the reduction applying to all residential uses in single-family zoning categories. We have an exception for structures that were built before the effective date of this ordinance, in which a building permit for a dwelling was issued or the use was established. However, that exception would go away if a structure increased in square footage by 69 square feet or if the interior remodel was completed that requires a building permit and results in the addition of a sleeping room. We have left in the existing exception for duplexes that were constructed prior to 2003, and the exception for two family residential units that were constructed prior 2004. And we have the ordinance expiring in two years, as directed by council. I believe the council did receive a copy of a report prepared by civic analytics that was the report that the austin board of realtors agreed to and conduct. I believe you all received that via email, and with that, mayor, we are ready for second and third readings. The only amendment that has been suggested to the staff was an amendment that was brought forward by mr. Robert cleeman. He is suggesting an amendment, and staff would be agreeable to this amendment, that would state that a structure located on a site subject to subsection b that's partially or totally destroyed by fire does not become subject to subsection d. If a building permit to repair or reconstruct the structure is applied for within one year of the date of partial or total destruction. What this would do is this mimics the noncompliance section of the code in that if you had a structure that was built today and is therefore not subject to the reduction in occupancy, if that

-- if that property were to burn down or be destroyed by an act of god, as long as they rebuilt it within a year they would be allowed to keep the six occupancy. I also have two typos that were in the ordinance that I'd like to read corrections into the record very quickly. One is in section f, which needs to state that not more than three unrelated adults may reside in a dwelling unit of a duplex residential use in a dwelling

-- in a duplex residential use, and secondly in section g, I need to say for a two family residential use or a site with a secondary apartment use not more than four unrelated adults may reside in the primary structure and not more than two

-- this is the addition

-- not more than two reside in the second addition. This is the portion of the properties that were built between 2004 and today, in the case of two family and between 2003 and today in the case of a duplex. And if I could have the chart that I put up

-- to put up that I gave to the folks. You can see here

--

[13:24:19]

>> mayor leffingwell: You know it's complicated when you have to explain it with a chart.

>> Yeah. Especially one with arrows. So what we have here is for a duplex with residential use that was constructed prior to june 2003, the existing code, this would remain unchanged, allows six unrelated individuals per side of the duplex. For a duplex built after june 5, 2003 the current code allows three

unrelated on each side of the duplex. This ordinance after today were to pass on second and third readings, were allow four unrelated individuals to live on a duplex site. So it could be two and two, it could be three and one. And that of course would apply only within the McMansion boundaries. Two residential similar, however the date is november 18, 2004 instead of 2003, and for a single-family structure it's rather simple. The existing occupancy limit is no more than six unrelated and after today for a structure that was built after today within the McMansion area it would go down to four. And with that I'm available for any questions.

>> Mayor? I have some questions, mayor.

>> Mayor leffingwell: Council member martinez.

>> Martinez: Thank you, mayor. Jay, I want to go back to that first point you made about some of the concerns that were brought forward if it was a natural disaster or a fire. When you r structure, would it have to be built with the exact same impervious cover, same square footage or what regulations would apply to that rebuild?

>> Normally under the noncompliance section of the code, we have nonconforming and noncomplying, noncomplying means something that doesn't occur with the current site development regulations. Those are typically impervious cover, height, et cetera. If you had a structure such as that, the height in the code is 30 feet, the code is built to 40, if it burned down in today's code you could rebuild it under today code. We're not doing it under today's noncomplying or nonconforming, because before the date one rule applies, after another set of rules. Most cases, the d sf-3 or sf-2. They could build whatever is allowed under there. This is strictly having to do with the occupancy of that structure.

[13:26:36]

>> Martinez: Okay. And so we also received some correspondence today from a constituent about something that I wasn't aware of, something called server houses, where they create these environments where people that are trying -- that are going through a rehabilitation process move in with non-related individuals going through a similar process so that they can support one another. All of those types of uses would still continue to be allowed moving forward as well.

>> Yes, we consider those to be a different use. This just applies to single-family residential. We have different names for those types of uses.

>> Martinez: Okay, but is there any provision in the draft that would allow other health-related facilities, is what I'm categorizing it. I don't know how we categorize it in our zoning category, things like sober houses or if our code even speaks to that.

>> We do have that. We have group home, a couple types of group home, we have residential treatment.

>> Martinez: So even moving forward there would still be an opportunity to create newer opportunities --

>> right, it does not apply to those yooz. Yooz

-- uses. We specifically left those out because there are federal laws that come into play there as well.

>> Martinez: Thank you. Thanks, mayor.

>> Spelman: Mayor?

>> Mayor Ieffingwell: Council member Spelman.

>> Spelman: Jerry is close by, I may as well ask him. Your chart suggests

-- your chart shows, we're talking about putting four people in a duplex, four unrelated individuals at a maximum in a duplex and four unrelated individuals at a maximum in either a two-family or single-family house. One of the concerns that I've heard a lot about from my neighbors is that you have an opportunity to review floor plans for houses to determine whether or not they are consistent with our current codes, and I'm concerned that if

-- if it would not be permissible to have three unrelated individuals on each side of the duplex, that some builders might believe that it would be difficult for them to get the authority to build the duplex with three bedrooms on a side, even if they were going to be renting it or selling it to families. Is that a problem? Persuade me that this is not a problem if you could.

[13:28:48]

>> No, because this ordinance strictly deals with occupancy. Doesn't deal with the bedrooms and the number of any type of room allowed within the house. The only thing that addresses the house -- what I believe this ordinance does, because it does not apply to the day structures, is it takes away the incentive for people to build six-bedroom houses for the sole purpose of occupying them with six unrelated individuals. It would not make sense to do that.

>> Spelman: Okay.

>> Under this ordinance, because you could not under a new structure fill it with six unrelated individuals. However, for any house as long as comply with the impervious cover regulations, the far, the McMansion, because this only applies in McMansion, you could build that house, so it would not affect the number of rooms. What may apply is if you had an existing structure and you added a bedroom, you remodeled in a way that added a bedroom. You would lose the ability to have six and you would fall down to four, and the reason that that was put in here was to stop people who had existing structures to try to take advantage of the fact they had the higher occupancy and therefore converting the unit in a way to try to take advantage of that.

>> Spelman: That makes sense. So if some builders who are building self-dorms wanted to build another self-dorm, recognizing they could not at least legally rent out the room to four unrelated individuals but they could still get the authority to build exactly the same structure, is that right?

>> They could, yes.

>> Spelman: Okay, thanks.

>> Cole: Jerry

-- I mean, mayor.

>> Mayor Ieffingwell: Mayor pro tem?

>> Cole: First, let me ask you a question about ownership. Does it matter if the stealth dorm is owned by two individuals? Because if it is sf-3, the six-person and now four-person limit would now apply?

>> Yes, this is regardless of ownership. It simply applies occupancy to a structure.

>> Cole: To a structure. Okay, and then the amendment that was brought by Mr. Cleeman with the reconstruction assuming some type of act of God, does that require that the building be rebuilt within a certain time frame?

[13:31:00]

>> Yes, it would have to be rebuilt within a year.

>> Cole: Within a year. So then the normal grandfathering provisions would apply?

>> Yes, under that situation it would be able to keep what it already had before when it burned down, which is the six person occupancy.

>> Cole: Okay. Thank you, mayor.

>> Mayor leffingwell: Okay. Motion anyone? It's that time. So we're getting ready to say

-- council member martinez?

>> Martinez: I'm happy to make a motion. This is not going to die

-- to accept staff recommendation to get this started. I think there are going to be conversations and potential amendments, but I'll move staff recommendation.

>> Mayor leffingwell: On second and third readings?

>> Martinez: Yes.

>> Mayor leffingwell: By council member martinez. Is there a second? Council member riley. Further discussion? I would like to ask if you would consider a friendly amendment to add the

-- add the amendment to allow for reconstruction within a year in case of destruction by an act of god, and also the typos that were enumerated by staff. Would that be acceptable?

>> Martinez: I thought that was in there. That's why he was reading it, but if we need to add that, yeah, absolutely

--

>> mayor leffingwell: Include the typos

--

>>

-- I believe the one year rebuild would have to be made as an amendment because it wasn't in the first reading motion.

>> Mayor leffingwell: So that's included as part of the motion now. Anything else?

>> Martinez: I had a question, mayor.

>> Mayor leffingwell: Council member martinez.

>> Martinez: So jerry, you know, we've started code next and we're going down this road of potentially rewriting the entire line of development code, not potentially, but we are looking at it. And this has a two-year time frame in terms of applying for the next two years, and some folks are concerned that this could expire and code next could still be lingering out there. What is staff's recommendation as it relates to if that were to occur, would we just reinitiate this ordinance at that time?

[13:33:07]

>> It would be possible to just simply amend this ordinance to extend the expiration date on it. Yes.

>> Martinez: So if we see that we're not done with code next and we still want this to remain in effect, the council at that time could simply reissue this ordinance?

>> Yes, you could just simply just take the same ordinance, do a rather simple item

-- would say this ordinance is amended to change that date, and we could extend it forward.

>> Martinez: I realize that's a different dynamic with a new council, but I think it's still appropriate that that council at that time make that decision.

>> Mayor leffingwell: I think it would probably be appropriate to put a trigger in there that staff would automatically bring it back, so

-- so people wouldn't have to remember, and then find out later, whoops.

>> Martinez: I'll accept that as a friendly amendment.

>> Mayor leffingwell: Okay.

>> We'll give council, about a three-month warning?

>> Mayor leffingwell: That ought to do it. Is that accepted by

-- council member morrison?

>> Morrison: I appreciate your bringing that up. I guess I have two questions about that. One is, to change the expiration date, is that actually going to have to go through the planning commission and everything or

--

>> yes. Yes, it would be considered a code amendment because the expiration date is actually a part of the ordinance that will be in the code.

>> Morrison: Okay, so three months might not even be enough time. But

--

>> I could do

--

>> mayor leffingwell: Bring it back next month. [Laughter]

>> I could do six months, if you'd like.

>> Morrison: Right. And given that really the idea is to tie it to the end of code next

-- I mean be, win code next gets implemented, I guess I want to throw out, I should have asked my legal department earlier, is there any way to actually craft the ordinance so it's tied to the approval date of code next or anything like that?

>> I don't think you can tie an ordinance to an uncertain date in the future.

>> Morrison: Okay. And our city attorney agrees with that. Thank you.

[13:35:10]

>> Mayor leffingwell: Council member riley?

>> Riley: And I certainly understand the spirit of the suggestion that we've looked to tie this to the actual implementation of code next. I would actually have some hesitation about doing that, but I am concerned

-- what I don't want to see is that we get into this complacent attitude that code next will take care of all of this and we don't need to worry about everything because that will all be fixed by code next. I think

-- for one thing, that

-- code next

-- the implementation of code next is something like 2017, and I really think there is some real urgency to addressing the underlying problem here, and I think that is going to affect everyone. It's going to

affect those who would like to live in high occupancy dwellings. It's going to continue to affect the neighborhoods in central austin because we are going to still be seeing those development pressures manifested in some other way. And we are always

-- we are going to be continuing to have problems as long as we are falling short of the goals set out in our

-- in the imagine austin comprehensive plan about achieving an adequate distribution of a variety of housing types across the city, and that is a task that really calls on us to undertake very significant efforts immediately. I think there is a real urgency to addressing that. I expect to have a resolution to take one small step in that direction on next week's agenda, and I'm talking to other people about what we can do on an ongoing basis to try to address that problem, by trying to figure out ways to have new housing types available across the city to meet the demands of a very diverse and growing population within the central city, and this resolution does not fix that problem in any real way. That is the big picture underlying problem that we have got to address, and I really hope that those who have been involved in this issue will work with us in trying to

-- in trying to solve that problem, because that really is going to require a lot of hard work on the part of many different people, and I hope we can stay focused on that and not

-- for months to come and not just figure that

-- not just assume that that's going to be taken care of somehow by the code next rewrite. I think that really is going to require an active ongoing effort on the part of many people in this community, including many people who have been involved in this discussion.

[13:37:45]

>> Council member, this item was in relation to a resolution passed by the council in november of 2013. This item was just a portion of that resolution. The passage of this item does not sunset the working group. We still have a working group. There are still other be it resolved items that are in this resolution that the working group is working on relating to this issue overall and we're still working on we'll be bringing those items forward to the council when they're ready.

>> Mayor?

>> Mayor leffingwell: Council member spelman.

>> Spelman: I was referring to earlier today as a hapless spear carrier by michael king in the chronicle. I'm not sure what that means, but I was about to say consistent with that, whatever it means

--

>> mayor leffingwell: Good idea. [Laughter]

>> spelman: I'm not sure, I've been afraid to look it up in the dictionary. I am going to vote against this -- I'm not going to waste people's time with amendments which are going to go down in flames, but I'm going to vote against this, and I'm going to vote against it for a very specific reason, and that is that I think it's overbroad. I think it is a very, very good solution to a very specific problem which is being felt very severely in a couple of neighborhoods in austin. So far as I can tell based on the analysis that brian kelsey was able to do in a very short period of time, did terrific work in a very short period of time, of course he's not complete with it yet, and I'm not going to waste everybody's time with an amendment that we pass this only on second reading, not on second and third reading because I don't suppose

anybody will support me on that. But that's okay. Brian did a lot of work in a short period of time. One of the things his work suggests is that the

-- this is a solution to a problem which is created by two conditions. One condition is demolitions of single-family houses and duplexes, and the other condition is replacement of those demolished house with high occupancy dwellings, stealth dorms. Best I can tell, this combination of lots of demolitions and lots of stealth dorms

-- and high occupancy dwellings only occurs in a very small number of neighborhoods, even within the McMansion boundaries. And there are a lot of areas within the McMansion area where you either don't get very many demolitions or you don't get very many high occupancy dwellings, and I'm sure there are some of these areas where even if you got both of those, you don't have any stealth dorms. I would be very surprised if we found any stealth forms in govalle/johnston terrace, but you have in johnston terrace, you have a bunch of high occupancy living in johnston terrace and the reason we do is for the reason that concerns me the most, is that any restrictions we put on people being able to live tog speams single-family houses is going to put a big restriction on students, not for

-- charging them an arm and a leg for bedroom and bathroom but ordinary folks who don't have much money and have decided to quadruple up to share a single-family because that's the only way they can afford to live. It includes people who came to talk to us a couple weeks ago. Also includes lots of people who will not come to talk to us because they want to stay below the radar and not stick above it because they don't have papers. And this concerns me that we will be in a way making demands and putting particular restrictions on the poorest people in our community, not just on ut students, who are least able to speak for themselves and least able to find places to live. If this ordinance had been restricted to five one oh 5, 04, other neighborhoods where stealth dorms are likely to be built in the future, if we restrict them to places they're currently being built, I could live with it and vote in favor. But we're not restricting them that way. We're extending this throughout the vast majority of the central part of the city and I think it's overbroad. So I'm going to vote against it for that reason. But if you all would be willing to consider a restriction in

-- from McMansion to a smaller area I would really like to be able to vote for something.

[13:42:02]

>> Mayor leffingwell: Well, hearing

-- put it on the table.

>> Spelman: Let me try it. Again, I don't want to waste your time, but you can shoot this down in flames very quickly. Would you consider a friendly amendment, that we restrict it not to McMansion but to the following zip code, 76751, 778750, and 78704.

>> Mayor leffingwell: That was 57, 02, and 04.

>> Mayor leffingwell: I missed 51. Okay. Is that acceptable to the maker?

>> Martinez: It's not but I want to explain why. As we talked about the last time when we start narrowing the boundaries I promise you you'll see stealth dorms in the govalle/johnston terrace neighborhood because you don't have 23 and 21 and those adjacent zip codes in those boundaries. For that reason I can't accept it as friendly.

>> Spelman: Do you understand, however, council member martinez, why I'm concerned about

extending it out to govalle/johnston terrace and to 23 and to other zip codes where we have no stealth dorms right now?

>> Martinez: I do have that concern, but the issue that we are debating and addressing is stealth dorms. We're not addressing folks that are trying to save money as family units or as relatives trying to live together. That's what you're referring to when you talk about the poor folks in our community. We're talking about stealth dorms and people taking

-- developers taking advantage of the property rights that are entitled under state statute through our zoning. That's what we're talking about, 53rd and martin and other areas in north campus. That's what we need to address. I appreciate your concerns about unintended consequences, but this is a complaint-driven enforcement. We are not going to go start knocking on doors in govalle/johnston terrace or other areas in our community and start asking folks, are you relatives, and if you are show us how and why.

It's going to be based on what we know on the ground and what we see every day in those areas where these neighbors live and they have brought those issues to us. If those issues occur, I promise you I will be the first one to champion with you be

-- I'll be the second one because you're the first

-- I'll be the second one to champion the issue with you so that that is not what is happening via this ordinance.

[13:44:25]

>> Spelman: If there turns out

-- if it turns out we need some sort of fix for the unintended consequences I will look forward to having your support in creating that fix. I'd like to thank the

-- mr. Riley for his willingness to consider a grandfathering clause. I think that is extremely helpful. I'd like to thank all the people who have supported this motion for their willingness to extend it only for two years, and then perhaps longer if necessary, if code next does not fix the problem on better grounds than we come up here. I think that goes a long ways towards addressing my primary concern on affordable housing but I don't see that this is going to be a long-term fix which we'll be happy with, particularly if it is as broad as it currently is. But I hope I'm wrong, and I frequently am, so we'll find out. Thank you.

>> Mayor leffingwell: Well, I was just going to say, I would have supported an ordinance with the zip codes outlined by council member spelman. In fact, I put something very similar on the table last time, and that wasn't accepted either. That being said, there's several things that are going to lead me to vote for this motion, and one of the things is it's basically a trial. We're going to go for two years and see if it works. Second thing is there's a good strong grandfathering option in it that nobody who has a place with six unrelated adults right now living in it is going to be affected. So all it will do is it will inhibit new construction for a couple of years, and we're going to see how that works. I don't think it's going to have a huge impact. I think there are tremendous problems with enforcement. In fact, I think it's going to be virtually impossible to enforce. That being said, the new construction part is, I think, worth giving a spin and seeing how that works out, so I'm going to support the motion. Any other comments?

>> Cole: Mayor?

>> Mayor leffingwell: Mayor pro tem.

[13:46:26]

>> Cole: This has been a very difficult decision, and it's been difficult because we are exercising our land use authority in a very broad manner. Last time I asked for this to be studied and we did receive a study, but that study was inconclusive and asked that we receive more information in greater detail. The concern was affordability throughout the McMansion area, and I also had the concerns that council member spelman has expressed about it being overbroad. But because we did not receive back any definitive information or data from any of the studies, I can only say that I believe it may be a concern for affordability and I will also be a part of championing any unintended consequences. I firmly understand the neighborhoods and their concerns, and I do believe that we need to address them, and I don't believe we still, despite all of our work on code enforcement, have done an adequate job addressing their concerns in the university area. But I also think that we have not really heard enough from the students involved, the ut newspaper actually endorsed occupancy limits and the ut government actually passed a resolution opposing it. So I think that we need to reach out to our university students, not only at ut but throughout our city and other colleges and universities more and get their input when we're taking actions like this. But I do also want to council member riley on the grandfathering provisions and do feel like the mayor said that this is really just a test of how this will work and the extent to which it will actually help the neighborhoods who have brought this to us. And I appreciate the exclusion of group homes and keeping respect for the lgbt community. I hope we will not lose focus in our other work with code enforcement and historic preservation and affordable housing supply, because I think that is the base of the problem, that we simply do not have enough of affordable housing supply. I will be speaking in the future on council agendas that we include students and their input more in our decisions. With that, mayor, I will be supporting the motion.

[13:48:41]

>> Mayor leffingwell: Council member tovo?

>> Tovo: I want to say a couple quick comments. First of all, I agree with, really, a lot of what has been said, including the mayor's comments about this representing -- you know, in my mind this really represents a compromise. We've heard from individuals and groups who feel this doesn't go far enough and we've heard from individuals and groups who feel this goes too far, and in my mind this is a trial program, and I hope it will make some difference in terms of slowing the conversion of single-family homes into what really look more like multi-family properties. I did want to thank the austin board of realtors for commissioning the study and brian kelsey for the work, and the many individuals and neighbors who contributed information to that. I think we do have some useful information in there that can help to continue to inform this discussion, and it's clear we have more to talk about with all of the stakeholders involved, from students to neighborhood to organization to, you know, the others who -- who are part of this discussion, and so thanks to the stealth dorm working group for their continued work on this issue. I had said at our last meeting that I was working on some amendments related to an affidavit which might help with enforcement, and also bad actor provision, and I have drafted those, but

I think instead I'm going to ask that the stealth dorm working group consider that rather than have us try to vet that. I think that broad group would be an appropriate body to think through whether either of those tools would help moving forward in terms of helping with the enforcement provision. So thanks again, and, you know, I believe that this is not

-- that this is not the final solution but it's certainly going to be a part of it.

>> Mayor leffingwell: All right. All in favor of the motion say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no.

>> No.

>> Mayor leffingwell: Passes on a vote of 6-1 on second and third readings with council member spelman voting no.

[13:50:44]

>> Thank you, council. [Applause]

>> mayor leffingwell: Brings us to item no.73.

>> Thank you, mayor and council. Item no.73 is a zoning change request case c14-2013-0107 for the property located at 600 kemp street. This is located in the neighborhood planning area and a zoning change request from family residential or sf-3-np, neighborhood planned zoning to townhouse condominium residential neighborhood plan, or sf-6-np zoning. The planning commission did consider this request and recommended denial of the zoning change request on a vote of 5-0 with one abstention. The request for the sf-6 was intended to develop the property as a residential infill project. Right now the property is zoned sf-3. Undeveloped there was previously a single-family residence on this property that had been removed a while back. To the north of this property is sf-3-np and pmp and mostly single-family directly north of the property. As well as to the south. There is single-family and duplex zoning. Further to the east across campus is sf-3 zoning, single-family duplexes. Further up there's a residential assembly use

-- or religious assembly use, and further to the west is an undeveloped tract with the intention of possible educational site in the future. There was not a plan amendment required for this property. This is one of our early neighborhood plans that basically included in the single-family designation in the future land use map

-- it included sf-5 and sf-6. So it was not broken out as higher density single-family in the neighborhood plan at that time. Part of the neighborhood plan addressed the existence in protecting existing single-family housing, and there was some action steps about preserving existing family uses and zoning in older established areas of me top list. It also preserved zoning in the interior to allow new homes to be built. There was a petition that was valid at the last meeting. Jerry received some withdrawals of names off the petition. It was previously at 32.99%. There's approximately about 22.73% names were removed, basically there was two property owners that represented that 22.73, so it now stands at 10.26% on the petition. So there is still a petition. It just doesn't trigger the super-majority at this time. It's invalid but there's still a petition against it and the neighborhood is still opposed. I think at this time I'll pause. I know you have several speakers that would like to address you. The applicant's agent, mr. Ron thrower, thrower design, is here to speak on behalf of the property owner, kemp street properties. If you have

any questions I'll be happy to answer at this time or later.

[13:54:30]

>> Mayor Ieffingwell: Okay. We'll hear from

-- did you have a question, council member riley? Okay, we'll hear from the applicant. And you have five minutes.

>> Mayor, mayor pro tem, council members, ron thrower representing the landowner. I'm providing a handout to you all that I'll walk you all through on the powerpoint. This is the location of the property, as mr. Guernsey has pointed out. He

-- the action site is to the north and west of this property on a gr tract of land. Their plan is to put in a park on that particular piece of property. What's not shown on any maps other than a zoning map is the intended extension for grove boulevard, when was going to wrap around the ecology action site eventually and tie into montopolis boulevard. So what we're asking for, it's a 5.4-acre tract, roughly. It's currently sf-3. We're asking for it to go to sf-6, and under the development parameters and this part I think is very important, because the density under both the zoning categories is 12.44 units per acre, 66 units. Physically you can fit 46 units

-- duplex units on the property. You can fit 45 to 50 condominium units on the property, probably more, but our particular development is going to be single-family, stand-alone structures but in the condominium development style. The height is the same 35 feet. Building coverage is the same, impervious coverage is increased slightly, and then compatibility is not triggered under sf-3 but we would have to adhere to it under the sf-6 zoning. This is a conceptual plan for the development of the property as condominiums, and again, we're trying to propose single-family detached homes but in the condominium style. There are other developments that are like this in the area. And so with that other considerations to look at is the streets. Street with our development are going to be privately maintained streets under the single-family 3 duplex development they would be publicly maintained. The ponds would be publicly maintained under single-family 3 or privately maintained under sf-6. The yard maintenance under sf-3 zoning is up to the individual property owners, this is going to be a cohesively maintained development. There will be private restrictions. None existing under the sf-3. We will have somewhere under the sf-6. Landscaping is going to be code, probably excessive code under sf-6. Past management, we plan on a program, past management plan with this development. There's a heritage tree that is on the very northwest of the property that ecology action has asked we incorporate that into their development, or rather they would like to incorporate it into their development, and have it as part of a learning tool for their part down below. And this is not a small tree at all. It's a 54-inch heritage oak tree. And the occupancy under sf-3 is likely to be renders. It will be tailored to california property buyers. Under the sf-6 zoning it is likely to be 70% ownership or higher. And so with that the montopolis neighborhood plan as has been pointed out does not require a neighborhood plan amendment. We are following the neighborhood plan and the future land use map with this development. We are providing appropriate residential zoning designation, may include the following options, which includes sf-6, so we're very appropriate for this under the neighborhood plan. Again, this particular slide shows the neighborhood, future land use map, shows the location of the property. You can see the red of the ecology action gr site that's down below, but our

-- again, our project is directly in compliance with the future land use map. And then you look at the neighborhood plan objectives and action items and you'll find
-- and this is directly from the staff report
-- that staff is saying that this plan appears to meet the objectives and action items of the neighborhood plan. And then you look at the imagine austin. Again, this is directly from the staff report. It meets several tenets of imagine austin, you can see down there at the bottom the zoning changes supported by imagine austin. This project is intended to provide diversity of housing in an area that is proliferated by sf-3, but doing it so in a manner that's very gentle, for lack of better words, but it's an sf-6 development condominium that is intended to be centered around home ownership. And with that I will answer any questions you may have.

[13:59:06]

[One moment, please, for change in captioners.]

>> I haven't done a full study on all the houses in the area, but I would venture to say it's going to be on the upper end, yes.

>> On the upper end.

>> Spelman: If you were to build this or anyone build this as sf 3, would the prices be higher than 200 or lower than 200. Lower than 200. A developer would buy both halves of the property and both halves would combined be greater than 200. They would almost certainly have to be.

>> Spelman: Help me with both halves of the property.

>> Both halves of the duplex, sorry. Two units.

>> Spelman: So they would be building

-- they would be building the same number of units, they would be single-family units rather than duplexes.

>> Correct.

>> Spelman: And the cost unit would then be lower than 200,000?

[14:01:07]

>> Under the duplex development?

>> Spelman: So you would just be building duplexes and not single-family detached, but close-in -- close together houses. Help me understand. If you're building an sf 3 you're saying you would have to build duplexes, right?

>> That would be likely for development.

>> Spelman: And each of the duplex would sell for less than \$200,000?

>> The scenario there is that it is doubtful that each half would be sold separately. They would be sold together a single structure two units and they would be more than \$200,000, yes.

>> Spelman: More than 200,000, but renter rather than owner occupied.

>> Very likely, yes.

>> Riley: I have a few questions about the neighborhood plan that relate to this area. First, in the neighborhood plan there's mention of an issue that I've noticed a number of times and that relates to

access from kemp to colorado river park. When I ride along kemp I've often found that in order to actually get to the park I wind up going all the way to the end of kemp and out to montopolis and down montopolis over to felix before I can get back down over to grove because

-- which is odd because those properties along kemp really back right up to the park. So in the neighborhood plan, sure enough, right there action 9 under land use on page 13 of the neighborhood plan, it says create easy access from the montopolis neighborhood to the park for pedestrians. Can you tell me if anything would be done here to promote that goal?

>> It's our goal to work with ecology action down below and there will be pedestrian access from our property down into their property. And from there obviously there's access into the colorado park from there.

>> Riley: So you could go straight from your property across the ecology action site into the park.

[14:03:15]

>> That would be my understanding. We haven't talked about that specifically with ecology action. We've only talked about our joint property line. So what ecology action's plan is for pedestrian or bicycle activity beyond their property I'm not familiar with.

>> Riley: You mentioned that the street

-- the circle around which these homes would sit would be a private street. Do you expect that the project would be gated?

>> We would certainly agree to no gate on the property.

>> Riley: You would be willing to agree to no gate.

>> Right.

>> Riley: Would you be open, if ecology action is agreeable to allowing access across its site into the park, would you be agreeable to allowing access for the public from the street across the site to the park?

>> I believe that's something that can get worked out. Ecology action also has frontage on kemp themselves and then ultimately with grove boulevard going through, there will be another point of access, but the answer would be yes.

>> Riley: Is there any basis for expecting grove to be extended any time soon?

>> You know, there's a mobility effort a year and a half, two years ago, and I had some conversations with gordon durr about that. And he acknowledged that most of the right-of-way is acquired, but he didn't have an answer as to when that was ever going to happen.

>> Riley: Is public access allowed on

-- along that right-of-way even before the road is built?

>> I don't know.

>> Riley: I've wonder person with disabilities that as I've passed by that site, but I haven't actually ventured downtown that way. Sometime I will try that.

>> I don't know.

>> Riley: It would be great if there were easier access from that area straight to the colorado river park because it's

-- as I mentioned it's a pain getting to the park.

>> It is a circuitous way to get to the park.

>> Riley: And you have to get to Montopolis to get to the street and it would be nice to go straight from Kemp to the park. Another goal in the neighborhood plan relates to the condition of the west side of Kemp. On page 15 one of the objectives is encourage property owners to maintain and landscape their properties appeared it says the following vacant area is increased attention to weed clearing and maintenance. They mention the west side of Kemp near 183. Which I guess is pretty close to 183. And this area is

-- I can see somebody saying that this area could use a little more attention to maintenance and weed clearing. Is there any basis for expecting that this project would help fulfill that goal of the neighborhood plan?

[14:05:50]

>> I don't know how to answer that because we're dealing with other people's property, I presume.

>> Riley: We are talking about the west side of Kemp.

>> It would be my client's property that that we're talking about. As far as maintenance, yes, we would be maintaining our property.

>> Riley: And I see you would be doing what you could to keep that property condition and work with the neighborhood to do what you could on other surrounding properties.

>> Riley: The last thing

-- the recommended transportation improvements map on page 21, they show this site right on temporary street with a little symbol as a place where pedestrian lighting is needed. Is that a goal that could be advanced with this project?

>> I believe it would be a very important aspect for the development of this property. I think it increases safety not only for this project, but also to passing pedestrian public on Kemp street, so yes.

>> So you would be willing to provide pedestrian oriented street light along the 500 block of Kemp street?

>> We can do that, yes.

>> Riley: Okay. Yes.

>> Cole: Any further questions? The next speaker is Joe Stafford?

>> Tovo: I'm sorry, I had a question. Mr. Thrower, I had a quick question about the plan you've laid out here. Can you give us some sense of what the exterior of the site is going to be like? Do you envision fencing? Is it going to be gated or will that kind of green space around the edge be publicly accessible?

>> We've already agreed to no gates. I think that's important for this development. Fencing, we have to meet some level of compatibility requirements for screening. Fencing is an option, yes. Will there definitely be fencing? We haven't gotten to that level of detail.

[14:07:59]

>> Tovo: But you have committed

-- you have committed to having no gates, to not having a gated access?

>> It will not be a gated community.

>> Tovo: And is that in the conditional overlay or where? I don't actually see that it has a conditional overlay.

>> However the law department wishes for it to happen.

>> Tovo: All right, I don't see it in the backup, but thanks very much.

>> Cole: Mr. Joe stafford?

>> Good evening. My name is joe stafford and I'm one of the current owners and developer and applicant for the property being discussed this evening. I just wanted to kind of reiterate a couple of things that mr. Thrower had mentioned that we feel that the sf-6 zoning will allow us a more compatible layout as far as the single-family detached homes go. Even though this is under the condominium regime under the sf 6 zoning we are still talking about detached single-family houses in the area. And we think looking at the market conditions and other developments that have happened in east austin, south austin and really all over austin, it seems to be a preferable type of development with all the maintenance being included in an hoa fee so that the young professionals and older people that are moving into these developments, they seem to want to have a little less maintenance. So looking at market conditions we feel that this is a very appropriate type of development in the area. And as far as pricing goes and houses go, just in the immediate area, just two off that are currently on the market today, there's a 1434 square foot home on crumley, which is as the crow flies less than a half a mile from kemp right off montopolis that went into escrow recently and is listed at 239,000 and it's about a 50-year-old home that's been kind of redone. There's currently another one on market on fair way, 1212 fair way

-- 1228 fair way, a home on market for \$410,000. And two on thrasher lane. One is kind of a small 800 square foot home, but it is sitting on almost an acre of land and the other one is similar to it, a little larger home. Both are listed, one at 350,000 and one at 400,000. So the pricing in the area has become very

-- it has become a very popular area to live in. I'd be happy to take any questions that council may have for me.

[14:11:00]

>> Cole: Thank you, mr. Stafford. I don't think council has any questions.

>> Thank you.

>> Cole: Lauren ponziana.

>> Thank you for all the work that you're doing in the city. I love this city, but I really believe that with diversified housing my kids will get better chances, better schools awhile back a city planning man came to our neighborhood and showed us about the chicago and the diversified neighborhoods they did, and they all were beautiful. And I think our kids deserve just as much as any other kid in austin good schools and I think this will help higher the schools up and everything else. I'm really for the plans. So I just wish you would just think about it. Thank you.

>> Cole: Thank you for your comments. Jackie stafford?

>> Good evening, my name is jackie stafford. I'm also one of the owners of kemp street. And I just wanted to say thank you for considering our project. I am a real estate agent. I was with jb goodwin and I'm now with avalar. There's a huge need as you guys all know in austin. The papers say there's 103

people moving in a day. And we need good housing. And this area -- I've been looking for my daughter in the area 5 is what we call it as realtors. And there's nothing. There's nothing to buy over here. And especially good houses that are affordable. And we're going to be putting in a great product at a great price. So thank you for the consideration.

[14:13:14]

>> Cole: Thank you, ms. Stafford.

>> Any questions?

>> Cole: Thank you. Georgiastein?

>> My name is georgia steen. I originally signed the petition not to support the sf 6 change, and my husband and I have since given it some thought and we would prefer the condos on this particular property instead of duplexes. Because the condos would be owned by individuals and not rented. I've lived on kemp street the majority of my life, and as a matter of fact, our property is adjacent to 600 kemp. We're at 508 kemp street. So we would prefer the condos over the duplexes.

>> Cole: Okay. Ms.Stein, you signed up for, so that is consistent with how you signed up. You signed up in favor of this item.

>> No, I did not. I did not sign up for.

>> Cole: You wanted to be signed up against?

>> I submitted a letter to withdraw our names from the petition.

>> Okay. It's fine that you're giving testimony because you're listed on the speaker sign-up sheet, but I was trying to make sure that your position was correct.

>> Okay. My position is for the sf 6 zoning. It was originally against.

>> Cole: Councilmember morrison.

>> Morrison: I appreciate the comments. I guess it prompts a question for me for something for staff. Ma'am, you said that you're interested

-- you're supportive of the change because you think it means that it will

-- they will be owner-occupied and not rental.

[14:15:23]

>> Because we have lots of affordable already in montopolis.

>> Morrison: I'm trying to sort out because condominiums can be rented also.

>> But it's my understanding that it's 70 percent or more will be owned by individuals whereas approximately 30% will be possibly rented.

>> Morrison: Okay. I'll ask the applicant about that later. Thank you.

>> Cole: Regis cantu?

>> My name is regis cante and I own 507 and co-own 509 kemp, which are directly across the street from ms. Steen. And I objected originally also to this proposition, but I've since withdrawn my objection and so indicated with a letter on both my properties. That's all I have to say. Thank you.

>> Mayor Leffingwell: Sir, you're regis cante?

>> Yes.

>> Spelman: Mr. Cante?

>> Mayor Leffingwell: A question for you.

>> Mr. Cante, why did you withdraw your objection? Why were you against and why are you now for it?

>> Well, I guess complete ignorance. At the time I objected I didn't

-- I didn't want any extra activity on Kemp Street, but since this proposal will be an improvement I no longer have an objection to it.

[14:17:47]

>> Why do you think it will be an improvement, sir.

>> It's my understanding that the condos will improve the neighborhood and I just

-- I really don't have any objection.

>> Spelman: Thank you, sir. Appreciate it.

>> Mayor Leffingwell: Okay. Next speaker is Seth Harp. Thank you, Mr. Cante. You have three minutes.

>> Councilmembers, I also live on Kemp Street. My name is Seth Harp. They asked me to say a few words today. I didn't know I was to be on TV and talking to City Council, but here we are. I think I can answer your question about access to Grove Boulevard. The reason you can't get through on your Buick is because there's a densely wooded creek and you wouldn't be able to cross without some kind of bridge. In any case, I support the change to SF 6 zoning for all the same reasons that the other people have said. I think it would be better than duplexes. I think duplexes are going to be owned by out-of-state investors and some short-term renters whereas condos can be sold to young family members or people that are trying to get affordable housing in Austin. Either way you will have an increase in property values, an increase in traffic. Might as well be the condos that look a little bit nicer. That's about it.

>> Mayor Leffingwell: Thank you. So for the speakers signed up against, and first is Susana Almanza. Donating time is Anita Villalobos. Is eye Nita here? And Monica Allen. So Susana, you have up to nine minutes. I have no doubt you will use it.

[14:20:10]

>> Hello, Mayor, Mayor Pro Tem, and City Councilmembers. I have a powerpoint if you would give me just a second so he can put it up. But I do want to say that this particular project is going to open the floodgates of gentrification in Montopolis. We've all seen that gentrification has happened throughout East Austin and this is now going from East Cesar Chavez, Govalle, Johnston to the last conquest, which is the Montopolis Neighborhood Center

-- neighborhood. Kemp Street and surrounding homes are located in the most historical portion of Montopolis. Here is, you'll see, the entrance from Walker Street. And these are houses, 22, 24,000. When he's talking about the higher price, he's talking not in this historical portion of Montopolis. He's talking about the other side of Montopolis Drive heading east when he says that. You can see these are like small shotgun homes there on Walker Street. They're not elaborate or anything. These are people who worked hard, who have been there for generations, that are going to be impacted by this particular -- you can see the houses there. This is Walker going up to Kemp. And here you are at the intersection of Walker and Kemp Street. Because those pictures, your little blocks and you show from the sky, doesn't

tell you what's really on the ground. This is a low income working class community. And here you have atwood and kemp street. And here you have the burns memorial temple. It is an historical site right across the street from where georgia lives catty-corner from kemp and the african-american church that has been struggling that continues to have their services there and to hold on to the property, which also signed the valid petition. And here you see georgia's house next door is the 600 kemp property that's in discussion today. It's just another view from kemp. And then here you will see@wood. Atwood is the other street. They're not high. The few duplexes that are there is -- a landowner from california bought up some properties and built some duplexes that are all under section 8. That's a few of those houses that are valued more. That's what he's talking about in this particular area. And so you see here from vera and kemp. This is a lower income, working class historical portion of the montopolis community. We're not talking about riverside drive where he's talking about. There's other townhouses and condos. You're talking about major corridor there. You're not talking about in the heart of the community. That's what we work to preserve. So go off of that. Take that off the screen. But the montopolis neighborhood plan was adopted by the city council september the 27th, 2001. And the neighborhood contact team was elected to oversee the adopted montopolis plan. A neighborhood plan contact team is a group of individuals designated to be stewards and advocates for the adopted neighborhood plan, as set by the rules of austin city council: We urge the austin city council to respect and not to overrule our contact team -- overrule our contact team in our decision to keep single-family zoning on the property located at 600 kemp. The montopolis contact team met in october of

[14:24:12]

[indiscernible] after meeting with mr. Thrower and we voted to oppose the change from sf 3 to sf 6. Staff claims to page c 411 that this project appears to be consistent with the montopolis neighborhood plan because it promotes new housing. This is false. The proposed development is in the older established portion of the neighborhood, precisely the portion whose area character we seek to preserve. When the plan was approved in 2001, the neighborhood's conception of single-family was precisely the interpretation of a layperson would confer in such a notion. It certainly was not a 45 unit condominium or townhouse development. Moreover, this is the most historical portion of montopolis and that the area needs to be studied further before intelligent planning decisions can be made. Staff and imagine austin claims -- it says any increase in housing pro choice would not be for the indigenous population in montopolis. They can build a density to the neighborhood and under the existing zoning. The [indiscernible] appears to be engaged in an effort to skirt the will of the neighborhood by attempting to buy off neighbors, mostly working class. And by attempting to negotiate with surrogates such as ecology action where opportune. They're also disrespectful of the neighborhood and existing histories and institution. The transportation section of our neighborhood plan encourages planning for pedestrian and bicyclists, improved lighting, signage and traffic calming. Also encourage the minimization of through traffic from residential area. Staff and traffic analysis on the other hand is based on a theoretical upper limit based upon carrying capacity on kemp street. That is not the quality cite on that the neighborhood uses. Page 22 of our plan, design guidelines, states that measurable actions will be adopted for later

implementation. 13 years later we're still waiting. The plan also states that it will be updated every six months. Who from city staff stands ready to assist and says we no longer need staff interpretation. Unlike the subsequent neighborhood plans, the 2001 neighborhood plan did not differentiate between density levels on single-family land use. So we have to really take into account what people thought they were voting on on that particular time. Times have changed from when we began the neighborhood process until the time that we are today. The rezoning of 600 Kemp to SF 6 will open the floodgates of gentrification in our low income, working class communities of color in Montopolis. We were told that these homes would be sold

-- condos would be sold at \$240,000. You see what I just showed you, the houses that are there, and the people who are there, and this is not compatible to our plan. They can do the same thing on single-family housing and make it more compatible. Of course, they don't want to do the setbacks, don't want to do the street. There's a lot of things that they don't want to do, but what they've managed to do is pull the wool over people's eyes by saying, well, if you don't accept the condos, we're going to give you duplexes. And you've heard it. The two people who switched over are now saying, you're going to get duplexes. I don't want duplexes next to me because they're all renters and they forget that they are one time renters unless they were so lucky that they were owners when they were at birth. I don't know. But they don't want renters, they don't want duplexes. And these guys knew what people didn't want, so he went around saying, well, if you don't let me build the condos, I'm going to build duplexes. I heard Ron Throver say when he was at the planning commission, do you plan to build duplexes? He said no. The developer does not want duplexes. There's no money. They would have to be selling -- they would have to be renting duplexes. They're not in market for renting, they're in the market for selling. And so let's be honest about what's really coming down here and what's really happening here. We have a developer who is misinforming the people and saying you're going to put duplexes, I'm going to have a bunch of renters up and down, and it's just going to destroy the community. But I can tell you that if you pass this particular case, go against our contact team, go against the neighborhood association for one or two individuals, supersede us, there is a guy next to Georgia Steen that just bought a big property who will be here asking for condos also. So please vote against it. Thank you.

[14:29:23]

>> Mayor Leffingwell: The next speaker is Angelica Norella. And donating time is Jenny Rangel. Is she here? And Edward Reyes? Is Edward Reyes here?

>> [Inaudible - no mic].

>> Mayor Leffingwell: So you have six minutes.

>> I think that's all I need. Hell no, my name is Helotes Mulch Fire. I'm a member of the Montopolis contact team and I'm also president of the Montopolis [indiscernible] neighborhood association. Thousands of residents do not want developers invading our community and driving up property taxes by developing high dollar condos, but you won't hear their voices but when a zoning case is brought up, only residents within 500 feet of the property are only deemed important in the eyes of the city. Montopolis is below poverty level community whose homeowners are walking on eggshells tonight fearing the city may allow our community to become the next cool place to be. If you allow the developer to get a zoning change to build condos on 600 Kemp Street you will be opening the floodgates

to developers who have no concern for (listing residents). And so many other families who could be pushed out by property tax hikes. Yes, we have a petition against the zoning change that has been signed by homeowners within the 500 feet requirement, but I ask you, please also consider the voices of the rest of Montopolis. Those property owners and taxpayers and registered voters who are also affected by a zoning change. 1200 plus extra trips a day added to our narrow streets would pose an added danger to the children constantly walking throughout the neighborhood to get to school, bus stops and friends throughout the neighborhood. One of the speakers who spoke to you earlier for the project spoke for the developer but failed to tell you that the comfort house she runs which sits directly across the street has many children from the neighborhood traveling there throughout the day, all week and all weekend even into the weekend. There are teen mothers with babies who go to comfort house daily for pam percent and other basic needs. These trips could cause a traffic hazard to all of those individuals in that area. This is a community of families. We would like to continue to promote that versus an overrun of young single hipsters more concerned about how fast they can get to downtown from Montopolis. For years developers have torn apart low income and working class communities with their high dollar projects. Through zoning changes that only benefit the developers. The city has stripped the dignity away from low income working class homeowners who have been forced out of their homes by high property taxes brought on by the gentrification. A great number of those becoming homeless and on the street today. I keep hearing the phrase the city is working to maintain existing affordable homes, yet all I keep seeing is developers being granted zoning changes that contradict that exact phrase. Why. So single people with money can be closer to downtown bars and shops so they can have easy access to I-35? Now Montopolis so they can have a pretty view of the city. We're talking about the future of lifelong residents, many living at 30% mfi or even below. Residents such as 67-year-old Mr. Hernandez who is a military vet on a fixed income who would be pushed out of his family home that his very own father actually built with his own hands if you allow this zoning change to occur. As I said before, you would open floodgates to a high dollar developer who has already created a destruction to the quality of life with low income communities with total disregard to the affect on existing residents. Just before this very meeting Mr. Thrower attempted to engage in small talk asking me how things are in the hood. As if I didn't have more extended vocabulary. This is an instance that cements my belief that the developer does not respect our neighborhood. They throw the duplex phrase around like renters are below their standard. Renters are people too. I am appalled how the developer claims this project will change our lives. We change our lives by creating our own destiny. Generations have been building homes and raising families in Montopolis which was once called poverty island. The ones that have passed already have bequeathed their homes to their children knowing they would have a place to call home. They did this not worrying and wondering about the view or how close to downtown they were, but because this is what they could afford. I'm sure they thought their children would never have to fight for a place to live and a place to call home. I ask you to respect the Montopolis neighborhood plan and it was created to ensure the character of the existing community that it is made to preserve. I implore you to hold the wishes of an entire neighborhood and community and generations of residents who have worked so hard to get what they have today. In higher regard than the wishes of the big developers and the property flippers. Thank you.

[14:34:13]

[Applause].

>> Mayor Leffingwell: Next is Edward Reyes.

>> I guess I'll start with saying these condos that will go for 240,000 will be sold and then rented. He's supposedly going to put duplexes or condos. I'm confused at this point which one he's going to do or which one they plan to do. I guess it depends on how much money is flashed in the area. That's a problem for our areas. I'm from Dove Springs and my wife was born and raised in Montopolis. And we represent the Del Valle area and these lower income areas where this is becoming an issue. It's been an issue in East Austin. Something that was ignored, it was something looked over. The associations and contact teams can't be pushed over and overridden in this. We're the ones who live in these areas. Our families are from here. And we welcome people to move into our area and become part of our communities. We do with open arms when they come into our city we welcome them. But we don't welcome people into our communities to come in and bully. We don't welcome them to come in and buy people and spread lies and spread dreams that people otherwise wouldn't be able to reach and to begin to speak this kind of language to our community is insulting especially if they're not going to be able to deliver. It's just a sales pitch. So we stand strong as a community. We stand strong as the city of Austin residents, natives. We stand strong in agreement. In the soon to be District 2 and District 3 we're going to continue to stand strong together. This is the future of Austin. The community is coming together, the community is combining with one another and making sure that we do -- that we do our part in making Austin beautiful and keeping Austin beautiful the way our communities like it, our cultures, the way we do things, the way we barbecue, the way we do it in my community may not be the way you do it in your community. And I wouldn't force you to do it the way I do it. You might like a gas propane. Propane tank barbecue pit, when we would use wood, oak wood and mesquite and things like that. You probably do too, but we probably barbecue differently. I wouldn't want to make you do it how I do it. So for our community, for the Montopolis community, where my in-laws live, they live on Cruz Street, it's important that it stays affordable. These guys have worked their entire lives. They have given their allegiance to the city and the army and the city of Austin retiring, and to the community. So I would like to see the city council continue to back up the community, continue to stand for the community when it's most needed. And in times like this. Because we're going to continue to stand and we're going to continue to move forward and encourage our communities to do the same thing. We want to raise up our kids to do the same thing.

[14:37:40]

[Buzzer sounds] Thank you.

>> Mayor Leffingwell: Thank you, Edward Lebrado Almanza. You have three minutes also.

>> Okay. I'm not sure I will be able to use them all. My name is [indiscernible] Almanza. I haven't prepared a speech or anything, but what I would like to come up and tell you all is that years ago when the Colorado

-- the Colorado River Park was slated to become a theme park, in case many of you may not have noticed, our neighborhoods and neighborhoods across the river worked really hard to save Roy Guerrero Colorado River Park and we turned it into this really beautiful place. I guarantee you that if those condos

get built that's going to be the most biggest selling point. That's going to be a giant selling point, being able to get to this beautiful park. There's still deer that go around through there, there's still a bunch of wildlife. You can make it to downtown from there. But were any of those developers there when we were asking the city to save that land, to keep it natural? I don't believe so. You've heard a lot of people come up and say about the issues about renters. Are they a lower class of people? You did hear a couple of other people address that. Most of us were probably all renters at one point in time. And we as the poor and working poor, we consider it a great privilege to own your home, not to rent. I mean, you're lucky if you can rent, you have the money to rent and if you have a family it neighbors it even more difficult, but you are privileged if you own your house! When you're the higher income bracket it's not really considered a privilege. Maybe it's considered a privilege for you to own a second home, which would almost be difficult or impossible for lower income people. So I would just like to -- in leaving I would just like to say that this plan doesn't fit with the montopolis neighborhood. We are poor, working poor. Mostly people of color in the neighborhood. You already know what gentrification is going in east austin. Please save my neighborhood, montopolis. Thank you.

[14:39:57]

[Applause].

>> Next speaker is diaz castillo. No? Regina castillo? Andrew dobbs?

>> I'm andrew dobbs. I am speaking as a private citizen, not on behalf of any organization. I live at oltorf and

-- I actually just found out about this independently of the folks who are organizing here tonight, but it's something I care a lot about because I live at oltorf and pleasant valley and it's one of the only places in the city where you can work for a grassroots nonprofit and be able to get to work on the bus in 20 minutes. It takes me about 15 minutes on the bus. I don't have a car, I don't make much money. I can't afford

-- and I know that if

-- this is the foot in the door. If these condos get built, it is going to be a cascade of developments like this in that area and it will

-- you will have that over there, have the luxury condo development on riverside and it will enclose our neighborhood and it will push

-- it's continuing this process of pushing of people outside of the city center. This is the issue in this town is affordability. As much as I would love to say that it's, you know, composting, it's affordability, okay?

Don't throw that back at me at any point in the future, please. [Laughter]. The issue I know in this city is how are we going to continue to afford to live here, you know? Who is going to live in this city? Are we going to be like san francisco where only one type of person can afford to live here? Or are we going to be like manhattan 20 years ago? Are we going to learn the lessons that these cities have learned and apply them to our experience so that I can afford to live here and other

-- and working income people can afford to live here. You know? It is truly offensive that communities have lived in this part of town forever, okay, and they never could get

-- they were ignored and marginalized and rejected and now when a certain group of people wants that land, now it's going to change. We've got to do something about this. It's the only thing that really

matters is how are we going to make sure that people can afford to live here? The last thing I want to say on that point is we need a lot more housing in this city. Everybody knows this. That was a big point that came up during the occupancy thing is we need more places to live. So I don't think this should be about

-- as much as you would love to say otherwise, it shouldn't be like shaking our fist at developers, it should be about what kind of development can we have here? Is there a way to get housing in this area that people can afford? New housing. But I think that we need to listen to the people on the ground, the people that are affected, and we need to be really careful. I'm terrified and my friends are terrified. It's something that we talk about all the time and that's really seriously stressing us out, are we going to be able to afford to live in this town? You have the power to stop a problem tonight. So please don't create new problems. Thank you.

[14:43:23]

[Applause].

>> Riley: Mayor?

>> Mayor Leffingwell: Councilmember riley.

>> Riley: Just a question about your basic point on affordability. You seem very certain that sf 6 is inherently going to result in more expensive housing than sf 3.

>> I don't think it's inherent, but I think that there's obviously a plan on the ground right now.

>> Riley: But you understand we are zoning the site with a zoning category. We don't know that it will be this builder. We're talking about zoning a piece of property, and the question is should the zoning be sf 6 or sf 3? Typically sf 6 entails smaller lots and I'm trying to get a feel for why you see that as inherently being

-- resulting in more expensive housing than sf 3?

>> A, I would say that the smaller lots are not necessarily cheaper lots anymore when the demand is for luxury condos and townhouses and that sort of thing. And I would reject the idea that it inherently raises the cost of housing. I would say that it contingently raises the cost of housing in this circumstance. Anything else? Okay. Thank you. [Applause].

>> Mayor Leffingwell: [Indiscernible]? Help me with the pro pronunciation, please?

>> It's [indiscernible], the american way, I guess. You may remember it actually because my brother, sergeant george [indiscernible], was actually honored here a few years ago. He was killed a few years ago. He was a marine. Means a lot. A lot of people mentioned real working people who serve our community and our country. And I'm one of those young people that actually owns two lots on kemp and walker with my father george

[14:45:26]

[indiscernible]. I already obviously talked about my brother so that's real people there. My dad worked for u.T. For 21 years and he just recently retired. He worked in the construction side of u.T., So he didn't make close to the amount of money that would have to be earned in order to actually purchase one of these so-called condos or duplexes. And actually that was brought up by the planning commissioner.

Unfortunately november idon't have the name, but he brought up in order to qualify for a home of just \$200,000 a person would have to earn at least \$50,000. I have a bachelor's and am a published author and do not earn close to that to be able to afford one of these sf 6 condo/duplexes. Again, we're real property from the community. I went to bowie. My brother george went to crockett. And I just -- I just wanted to point out how ironic it is that the people that actually originally were in denial of sf 6 now ironically are for it. That's it. [Applause].

>> Mayor Leffingwell: All right. Joe ramirez? Joe ramirez. Daniel yanez?

>> Thank you, mayor and council. Thank you for your service. I'm here to oppose the zoning change. I'd like to say that the

-- that elusive austin quality of life coming to east austin is now starting to manifest in east austin. And it's not because of the gentrification. It's not because of the gentry fibers, it's because of the people who have been testifying against this thing here. And many people on both sides of the river for quite a few miles and all the way up to i-35, everyone is now wanting to come to east austin because we worked hard for generations. People that grew up here were forced to be here with all the ugliness and they turned the lemon into lemonade. Now, gentry phiers are coming and taking advantage of that because of their privilege. Montopolis, we can talk about govalle, we can talk about central east austin, northeast austin, but montopolis is actually the last bastion for the people who have been forced to live there for 85 years and have made the lemonade. Citing a project is creating a project. Where there's a will there's a way. We can just go forward, mr. Riley, of just thinking well, this is the zoning and this is what's happening, but we have to think about what our culture, our collective culture here in austin is becoming. So gentlemen, you have this property. You can build smaller houses. You can partner with a nonprofit like we're doing the

[14:48:51]

[indiscernible] project and dedicating one full third to affordable housing. Condos do not guarantee home ownership and duplexes do not necessarily have to be rental properties. You could actually have duplexes that you buy and sell. I believe there should be a combination. Every development of any size should have diversity that nature gives us. Diversity of income, diversity of size, diversity of target population. We don't have to just target young professionals and elderly people because that's the beginning of life and the end of life. There's a vast number of people in the middle who actually hold up everything. So the target of any big development like this can be for the gentrification and gentrification is good to a point, but not when it displaces and replaces. And if we are creative

--

[buzzer sounds] if you are creative and work with all of us together, we can find something that works for everybody. We have examples of that. Thank you very much.

>> Mayor Leffingwell: Fred mcgee. [Applause]. Is friday mcgee here? Fred mcgee. Not speaking? That's all the speakers that we have. We will have three minutes rebuttal by the applicant. Thank you, mayor.

First of all I want to say that there has not been any buyouts in the area. There's not been any bullying in the area. My client was approached by a landowner asking if they wanted to buy

-- to sell their property to him. By renters I can tell you I didn't mean anything derogatory about it. I rent right now in austin, but the fact is that these duplexes are very likely to be rentable and that's not a bad

thing. Don't get me wrong. I'm just pointing out to you that that can cause for a non-cohesive project. If it's going to be duplexes, it's going to be single-family, then you're looking at public infrastructure that is going to be made by public tax dollars whereas if it's a condominium it will be privately maintained by the condominium association. The trips I heard talked about was 1200 trips. This project is going to be limited to 321 trips along Kemp Street. The size of the units are to range anywhere from 11 to 1600. It's not going to be one size. It's not going to be huge. They're going to be small, single-family homes on a condominium development. And so with that I'm going to ask that you support this project because it does align with the Montopolis neighborhood plan because SF 6 back then was about the same as it is right now. It is the same. There hasn't been any changes. And further I want to point out and reiterate again that this project is directly aligned with Imagine Austin. It supports a lot of the goals of Imagine Austin. And so with that we're going to respectfully request that we seek some approval on first reading only with this project, and I'm available if you have any questions.

[14:52:30]

>> Cole: Mayor, I have a question.

>> Mayor Leffingwell: Something real quick here. I want to remind everyone, this is a zoning case. It has to do with setbacks, it has to do with impervious cover. It has to do with heights, those kinds of things. What it does not have to do with is diversity. It does not have anything to do with the price of the units. Whose to say that someone might not build duplexes on there that are 200, \$300,000 and condos on there that are much less. Really the price of the housing on that has nothing to do, nothing whatsoever to do with the zoning case: Mayor pro tem.

>> Cole: Mr. Thrower, can you tell me if you had a condominium with the HOA, are there any particular restrictions about how many of the units can actually be rented versus owned? Whether I am specifically mentioning about the 70% factor in my presentation it is because of the knowledge that I have gathered over the other condominium developments that I've worked on where governmental funding is when you exceed more than 30% of the renters. If an investor comes in and buys more than 30% of the units, then nobody else will be able to have a rental unit there and get conventional mortgage for that unit. So it's kind of a built-in lending issue is where the 70% comes from.

>> Mayor Leffingwell: Councilmember Martinez.

>> Martinez: I don't think I'm disagreeing with what you said, I just want to state it in a different way that's more context to the case. This is just a zoning case, I realize that. But like the previous zoning case earlier today, we had two competing sides who came in completely in opposite directions, but then of a conversations and understanding that the neighbors that were adjacent to the property that was seeking the entitlement, they weren't that far apart. What I'm hearing tonight is neighbors that are saying one, we're not averse to renters, we're not averse to housing, we're not averse to development, we're not averse to something happening on this property. What they're opposed to is the single propose that you have made in a condo regime style that they believe is

-- and I agree with them, that could have a negative effect on that neighborhood. I feel like putting that content into the conversation is important, Mayor, because in this zoning case the developer can make some agreements that would have a significant impact on the price of housing and the diversity of tenants or renters or homeowners, whatever it may be, depending on what you build. So I want to ask

you, you know, why won't you negotiate more with the neighbors about what they're saying that they're okay with? I think we all can agree that we need more housing and that these are prime pieces of land located next to open space, ripe for development. But if they're telling you multiple options that they're willing to discuss, why are we staying in

[14:55:54]

[indiscernible] with one proposal in one a way and not trying to figure out how we come together like we did in a previous zoning case? [Applause].

>> With that, the client for this property does this condominium style development. This is what he does, the product that he provides. We have

-- he has, rather, taken the time to meet with the neighbor next door and another neighbor that's across the street and a few other neighbors that have always been in favor. And after talking to them about the project, the product, what he's going to be providing here, they have agreed that what he's doing is going to be better for their value than anything else. I don't think that anybody wants to do a development that is going to lower property values in the area. We're always faced with one of two things. You're ruining my property value and raising my taxes. I think this is not the worst thing that can be done here by any means. I think it is a compromise development just by its very nature. It meets a lot of the tenets of imagine austin. It provides diversity of housing in the area. Anything less than sf 6 zoning on this property is keeping the exact same thing that's in the neighborhood.

>> Martinez: If this is a compromise, mr. Throw e than what was your first proposal back in october when you met with contact team?

>> Again, when I'm saying it's a compromise, it's a product that my client desires to put on this property. Could it be something more than sf 6 zoning? It possibly could be. Is there something between sf 6 and sf 3? I think if you're doing that then you're not doing a condominium development, you're only doing single-family style or duplex style development. There was discussion at planning commission about urban cottage lots on this property, and that was offered up as a potential opportunity for this site, but it's actually not because the code limits cottage lots to two acres maximum size. This is a five and a half acre site. So we just firmly believe, my client firmly believes that this project is -- is a good product for the neighborhood.

[14:58:13]

>> Martinez: I understand. Thank you. Jerry, can you remind me what the planning commission outcome was?

>> The planning commission recommended to deny the zoning on a vote of 5-0-1.

>> Martinez: Thank you. And what's staff's recommendation? I'm sorry. Jerry? Staff's recommendation?

>> Staff's recommendation is to grant sf 6-co with the co limited to 45 residential units, the traffic generating no more than 321 vehicle trips a day, 45 units, and the right-of-way along kemp street shall be required at the time of site plan.

>> Martinez: Thank you, mayor.

>> Councilmember riley.

>> Riley: Well, can I ask you one more question? I understand how advancement of this project could help with certain goals that are identified in the neighborhood plan and I understand your point about diversity of housing types. One thing that I think we could use some help with is why sf 6 offers a better path to reaching those goals than the current zoning. Why couldn't we achieve all those goals with sf 3? If we had sf 3 and we just

-- and

-- when in your judgment did you have any sense of when we might expect redevelopment to occur under sf 3. And in what respect would development under sf 3 be less effective in serving the goals of the neighborhood plan and the comprehensive plan? [One moment, please, for change in captioners]

[15:00:46]

>> it's going to look and smell just like single-family but it's all going to be privately maintained and cohesive and I think that goes a long way with imagine austin.

>> Riley: Thanks.

>> Mayor leffingwell: You have some flexibility in sf-6 as far as placement, more than you would in sf-3 where sf-6, you don't have to have an independent lot for each.

>> That is very true.

>>> You know, if in the future you want to create more open space, for example, you could cluster units like that or if you have some particular feature such as trees or ponds or that kind of thing

-- or that kind of thing, you have the flexibility to move units around, accommodate them that way.

Council member tovo?

>> Tovo: I have a quick question. Is your client the owner of the property?

>> He does own the property, yes.

>> Tovo: Okay, thanks.

>> Mayor leffingwell: Council member morrison?

>> Morrison: I'm struggling a little bit to try and grasp concretely what the imposition the neighbors feel is on the character of their neighborhood by rezoning it to sf-6. I can definitely see that the fact that

there is a character of the neighborhood in terms of the lowt of the streets and the lowt of the lots

-- layout of the streets and the layout of the lot, that's very definitely a character that will not be

achieved, but I think there's a whole lot more going on here and what's going on, and this is really sort

of a jump-off of what council member martinez's points are, and that is there's someone coming in and

obviously there's a sense that someone else's will is being imposed on the neighborhood and, you know, we zone

-- zoning is our discretion, and we zone not because

-- well, we zone trying to balance the fact that people have property rights, but also it needs to be a benefit to fit into the community. So we've heard a lot about gentrification tonight and ab montopolis is

at the point of tipping over. I mean, obviously it is a beautiful area, and close to town and all of that. I

think that we

-- we struggle with that all the time, obviously, and I don't know if there's

-- there's only so much the city can do, that we in this seat can do, because there's so many market forces and all of that, only so much we can do to try to minimize that

-- that phenomenon. But I think it's really important that we do minimize it and take the tools that we do have to minimize gentrification, because it's damaging to our culture and it's damaging to the city that we love. So with that, I do believe that it's the right thing to do to not go down this path of this is the only option, there's no way to work things out. I love working things out. We had a great solution in the last one, and to be in a position where it's, you know, this way or the highway, I feel like we need to make it the highway. So

-- and it's unfortunate because, you know, danielle was mentioning the think east project. That was a great plan that got worked out because it really was to the benefit of the property owner and to the community, and that's what our job is here, is to find that balance. So with that I personally can't -- knowing that montopolis is really in this prime spot of tipping over, I believe, and the next spot where we have to have really careful, and I feel like we have the ability, as small a ability as it might be, to do something here today by denying this zoning case, and so with that I'll make a motion.

[15:04:57]

[Applause]

>> mayor leffingwell: Motion by council member morrison to deny, second by council member martinez. Is there any discussion?

>> Mayor?

>> Mayor leffingwell: Council member riley.

>> Riley: I'm afraid I'm not going to be able to support the motion. This is a tough case because I recognize all the neighborhood interest is preserving the existing character of what's there, and so I looked very carefully at the neighborhood plan to see exactly what was called for by the plan, and when I look at that carefully, I have a hard time finding out this project is inconsistent with the vision in the neighborhood plan. What I see in the second goal of the neighborhood plan is create homes for all stages of life within montopolis, preserve residential zoning

-- action 13 is preserve residential zoning in the interior of east montopolis to allow new homes to be built. Objective 5 is create multiple housing types of varied indensities, and when

-- intense tis and when it gets into what types are called for, action 4 is

-- actually it states, appropriate residential zoning designations may include the following zoning options. Small

-- college and infill, urban home infill, secondary apartment infill, sf-4a, sf-6 and mf-4. Neighborhood plan specifically said that sf-6 was an appropriate zoning category. And then when I look at the

-- at the comprehensive plan that was mentioned, I see how allowing sf-6 hereafter would actually advance some of the most important goals set out in the comprehensive plan, particularly in the very first housing policy, distribute a variety of housing types throughout the city to expand the choices available to meet the financia lifestyle needs of austin's diverse population. What theens is we expect

-- means is we expect diversity, a diverse array of choices within each neighborhood. I can imagine each neighborhood in austin wanting only its own particular type of housing, because that's the character that it has and they really don't want to see any change, they just like the way their housing is, the way -- just in that particular form and they don't want to see anything different. But that's not the vision that we all agreed on as a community, and what we agreed on is we actually want to see some diversity of

the housing types that are available all across the city, every neighborhood. And I don't think -- as much as I love Montopolis and I do spend a fair bit of time there because it is a great place to bike, it

-- I don't see it being exempt from the general expectation that every neighborhood is expected to embrace a diversity of housing choices, and I see this as adding to that diversity, and I think that is a critical goal, and our failure to achieve that goal is actually causing us all kinds of issues. And that's the same problem that we're having with

-- with the whole stealth dorm problem, is that we've got

-- our housing options aren't adequate to meet the growing and changing needs of our population. We have

-- we do have 110 people moving here a day, and we've got changing families and changing expectations about housing, and our housing stock is just not adapting quickly enough to provide

-- to meet all those demands, and the result of failing to meet that need is that we have all those demands imposed on our existing stock and our existing rules, and that creates all kinds of strains and stresses, most notably it creates affordability issues. When you choke off the supply of new housing, you're going to see the housing prices going up. I don't think that's the vision that we see in either the neighborhood plan or our comprehensive plan. I think we need to be ready to embrace new and even different housing options all across the city, including Montopolis. And so I'm going to oppose the motion.

[15:08:56]

>> Mayor Leffingwell: Well, I'll just say I think I agree with most of what you said, council member, definitely not all, but I agree with most of what you said, and I would

-- there are 110 people moving here every day but not to the city of Austin, to our region, is gaining 110 people every day. And more and more we're seeing a bigger percentage of that outside the city limits of Austin, and a lot of that is to the

-- due to the way we kind of overregulate and decrease the affordability of everything we're getting off track a little bit here. But I think you get the idea. I want to have flexibility and I want to have a range and I want to give people the opportunity

-- I have not seen the case made that SF-6 should be denied. I don't see why

-- as I say, it's only zoning. You're zoning the dirt. You're not zoning the houses. You're not zoning the residential structures and there's no reason

-- if affordability is your issue, there's nothing to say that the owner of this property couldn't develop more expensive units under SF-3 than under SF-6. So I just haven't seen the case made.

>> Cole: Mayor?

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: I certainly appreciate that there is attention going on over SF-3 and SF-6 in the changing character of the neighborhood especially as we go east, and the question is to what extent can we use zoning to try to stem that tide. And I don't think that zoning is really the proper tool to address that. I think that gentrification issue is bigger than that, and it covers a lot of issues, but fundamentally when we sit here and zone a property, we're trying to decide on housing supply and whether it complies with

the land development code and it's in accordance with those rules and regulations and our plans for imagine austin and that type of thing. So I will not be supporting the motion.

[15:11:09]

>> Mayor leffingwell: Were you finished? Mayor pro tem? Any other comments? Council member tovo?

>> Tovo: Thanks. I want to thank everyone who came down here today, those of you who were supportive of the project as well as those of you who are opposed, and, you know, sometimes it's hard to come down. Sometimes we don't hear from those who are supportive especially if there's significant opposition. So I appreciate that you took the time to come down and because you thanked us for our service I personally want to thank Florence P. For the work she does with her neighbors and her community, and I know when my staff reached out to you today to talk about traffic and whether that was a concern, that you considered that carefully, and that allayed my concerns about traffic on the -- on this route and the extent to which the children in that community would be safe. And I certainly support that we need a diversity of housing throughout our city, throughout all parts of our city, but we have also promised our community members that we're going to listen and take carefully and respect the plans they've worked so hard to create and pay attention to where they have identified a spot for different kinds of housing, and I think preserving the character of the neighborhood and for many of the reasons that my colleagues have expressed, I am not going to support this rezoning as well. [Applause]

>> Mayor leffingwell: Okay. Those in favor of the motion to deny say aye.

>> Aye.

>> Mayor leffingwell: Opposed say no?

>> No.

>> Mayor leffingwell: No. Mayor pro tem? Did you vote no? That passes on a vote of 4-3 with council member Riley, myself and Mayor pro tem Cole voting no. That completes our agenda today. Without objection we stand adjourned at 9:15.